

MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Townsend at 10:00 a.m. on Monday, January 16, 2001, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

James Braun
Lisa Davis Cook
Randal Giannetto
Rozanne King
Kathryn Murphy, Vice-Chair
Gary Priebe
Terrance Townsend, Chair
Rita Venner, Secretary

MEMBERS ABSENT

Darrell Hanson called to say he would not be able to attend due to illness.
Randal Giannetto called to say he would be late.
Lisa Davis Cook called to say she would arrive around noon.

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment – Alan Rustad, Rustad Farms (Item 12a) 1:00 p.m.

Motion was made by Rozanne King to approve the agenda as amended. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS AMENDED

DIRECTOR'S REPORT

Deputy Director Larry Wilson said that Lyle Asell was doing a presentation on the Departments Legislative proposals and will be back later in the morning.

ADOPTION: AMENDMENTS TO 567 – CHAPTER 135, TECHNICAL STANDARDS AND CORRECTIVE ACTION REQUIREMENTS FOR OWNERS AND OPERATORS UNDERGROUND STORAGE TANKS.

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Director requests the Commission to adopt and file the enclosed amendments to Chapter 135 and rescind the emergency rule. The Commission previously adopted these amendments on an emergency basis and at the same time filed a Notice of Intended Action to solicit further public comment. The Filed and Adopted Emergency rules and the Notice of Intended Action were published in the Iowa Administrative Bulletin on October 18, 2000 as **ARC 0217B** and **ARC 0216B** respectively. Only one comment in support of the rule amendment was received.

These amendments are identical to the amendments published under the Notice of Intended Action and Adopted and Filed Emergency. The amendments establish when analyzing for methyl tertiary-butyl ether (MTBE) in soil and water samples collected as part of investigations and corrective action at underground storage tank sites may be terminated.

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.474, the Environmental Protection Commission amends Chapter 135, "Technical Standards and Corrective Action Requirements of Owners and Operators of Underground Storage Tanks," Iowa Administrative Code by amending subrule 135.19(3).

Notice of Intended Action was published in the Iowa Administrative Bulletin on October 18, 2000 as **ARC 0217B**. Only one comment in support of the rule amendment was received. In addition, these amendments were simultaneously Adopted and Filed Emergency as **ARC 0216B**. These amendments are identical to the amendments published under the Notice of Intended Action and Adopted and Filed Emergency.

These amendments establish the requirements for analyzing soil and groundwater samples for the presence of methyl tertiary-butyl ether (MTBE) as required by 1999 Iowa Acts, H.F. 772, section 15(4)“c”. The amendment provides for stopping MTBE analysis at sites showing no MTBE present during Tier 2 or Tier 3 assessments, site monitoring or site remediation monitoring.

This rule shall become effective January 10, 2001, at which time the Adopted and Filed Emergency rule is rescinded.

The following amendments are adopted:

Amend subrule 135.19(3) by adopting the following new paragraphs:

- c. If prior analysis at a site under 135.19(2) has not shown MTBE present in soil or groundwater.
- d. If the department determines MTBE analysis is no longer needed at a site.

Liz Christiansen said this item would rescind the emergency rule passed by the Commission at an earlier meeting, which eliminated the need for MTBE testing on soil and water when none is found in previous testing.

Motion was made by Kathryn Murphy to adopt the rule as presented. Seconded by James Braun. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT TO CONDUCT ENVIRONMENTAL MANAGEMENT SYSTEMS WORKSHOPS

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve contracting with Amethyst Group, Inc, of Springfield, IL, to conduct a series of workshops to build awareness of environmental management systems (EMS) within the state. The contract, which will be administered by the Waste Management Assistance Division, will not exceed \$44,000. Fifty percent of the funding for the project is provided by an U.S. EPA grant. State funding comes from a portion of the state solid waste tonnage fee appropriated to the Waste Reduction Assistance Program (WRAP).

The awarding of this contract is the outcome of a request for proposal process in which twelve prospective contractors responded. A selection committee, comprised of DNR and non-DNR individuals, unanimously chose Amethyst Group, Inc. as the firm most qualified to deliver these services.

The objectives of these workshops are to promote the adoption and implementation of EMSs by organizations with facilities in Iowa, develop a service infrastructure that supports EMS adoption, and inform stakeholders of EMSs' potential value to:

- improve compliance with environmental regulations;
- enable organizations to achieve performance beyond compliance with legal requirements; and,
- reduce environmental impacts from both regulated and unregulated activities.

The audiences for these workshops include: business, industry and institutions; business service providers; and, non-governmental organizations.

Background

An Environmental Management System (EMS) is an organized and formal approach to managing environmental issues within an organization. It is based on the concept that an organization should manage its environmental aspects in the same way as it manages its core business functions. This continual improvement process includes:

- setting environmental *policy*;
- conducting *planning* to ensure success of the policy;
- identifying *environmental aspects and impacts* to set *objectives and targets*;
- *implementing* practices, programs, and procedures;
- *monitoring and measuring* to evaluate environmental performance;
- *checking for and correcting* identified problems; and
- periodically *reviewing* the entire system at a top management level.

The contract provides services that represent the integral stage of a proposed process that is structured into two distinct phases. *Phase I* is designed to build awareness of environmental management systems (EMSs) within the state through a series of informational forums which include the workshops covered under the contract. The information disseminated and practical experience gained through the activities of the first phase will be used as the foundation for

Phase II of the project. The objective of the second phase is to facilitate the initiation of a dialogue involving all stakeholders to evaluate the potential use of EMSs in public policy innovations in Iowa. Additional federal grants have been obtained for activities that will occur following the initial work addressed in this contract.

Liz Christiansen said the purpose of this contract is to promote environmental management systems by which a company can comprehensively manage its environmental performance.

Brian Tormey, Bureau Chief, Waste Management Bureau, said the workshops will be opened up to all business and industry in the state, however marketing will be targeted to those business that are subject to toxic relief inventory reporting as well as any large quantity generators of hazardous waste. He said there is a section in the code requiring the Department to work with those businesses, this contract will be an initial step to implement that section of the code.

Motion was made by James Braun to approve the contract as presented. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

TOXIC CLEANUP DAY CONTRACTOR SELECTION

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department of Natural Resources is requesting approval for Metro Waste Authority's Regional Collection Center to provide hazardous waste collection and disposal services for Department sponsored Toxic Cleanup Days to be held in Delaware, Davis, Wapello, and Palo Alto Counties. The contract amount is not to exceed \$76,200.00 for Spring 2001 events. Toxic Cleanup Day host counties are required to provide a cost share for the event based upon the number of households in the county.

Background

Toxic Cleanup Days are one day events to provide households and farms a safe and environmentally responsible way to dispose of household hazardous materials. It also provides an opportunity to educate the public about using safer alternatives, buying only what is needed, and safe use, storage, and disposal of household hazardous materials.

Contractor Selection

The Department solicited proposals from 31 hazardous waste firms to provide collection and disposal of the hazardous material collected at the Toxic Cleanup Days. Four proposals were received. Each was evaluated on a number of criteria such as experience, safety and contingency plans, environmental compliance history, waste disposal hierarchy, use of subcontractors, and cost. Cost was evaluated by a schedule of fees and a cost estimate for a hypothetical event described in the RFP.

After reviewing the proposals, the review committee selected Metro Waste Authority's Regional Collection Center. The reasons for Metro's selection are as follows:

- ▶ The Department's goal is to expand Regional Collection Centers to service the entire state and eventually replace Toxic Cleanup Days. This contract will help to support this goal.
- ▶ Will allow us to fully utilize the mobile collection unit, in which the Department has previously invested.
- ▶ Metro Waste Authority conducts approximately 30 mobile collection events within their RCC service area each year, which are very similar to Toxic Cleanup Day events.
- ▶ Staff has all required training.
- ▶ Metro Waste Authority's Regional Collection Center meets DOT regulations to transport hazardous waste.
- ▶ Contracts with a hazardous waste company for the ultimate disposal of hazardous wastes.
- ▶ Are able to take unknowns at the TCD event.
- ▶ Submitted the lowest bid.
- ▶ Eligible materials collected at the TCD event (i.e. paint and cleaners) may be reused through their Swap Shop.

The contract will be for the 2001 calendar year with a possible extension for one additional year if the Department is satisfied with the service received. Toxic Cleanup Day events to be held in Fall 2001 will be amended into the contract once they have been selected.

At this time, the Department is requesting Commission approval to enter into a contract with Metro Waste Authority to provide Toxic Cleanup Day collection and disposal services.

Liz Christiansen explained the item. She said the Toxic Cleanup Days are great opportunities to both provide a disposal option for people and to do education for toxicity reduction of the waste stream. She said the Department solicited proposals from 31 firms and selected Metro because the Department has used their mobile unit before, they submitted the lowest bid, and they utilized a Swap Shop for reuse of collected materials.

Short discussion followed.

Motion was made by Kathryn Murphy to approve the contract as presented. Seconded by Gary Priebe. Motion carried unanimously.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION**Garth Frable**

Garth Frable representing the Beautiful Land Coalition, which he said is a coalition of a number of different organizations who has been working on improving Iowa's very successful Bottle Bill. He distributed a handout that explains how the bottle bill works, why the current law should be updated, and the four points of updating the law are. He said the first of the four points is an increase in the handling fee paid to groceries and redemption centers from one cent to two cents. He said the penny handling fee had not changed since 1978 when the law went into effect and in real terms that penny is only worth .42 of one cent today. The second update will expand the container redemption law to include all of those containers that were not around in 1978, which are typically called new age drinks such as teas and bottled water and are the fastest growing segment of the beverage market. The third point would be to create what is being called the Robert D. Ray Beautiful Land Fund, which will be a fund to help support litter and recycling initiatives across state. The fourth point requires all containers that are sold in Iowa to be made of a minimum post consumer recycled content of 25%. He said aluminum and glass containers meet this requirement already. In conclusion he said, Iowa's Bottle Bill is about pride in our State, it puts responsibility on the producer, the retailer, and the consumer of the products in question. This framework of personal responsibility reduces litter, increases recycling, creates jobs, and as Governor Ray put it, creates more positive attitudes about taking care of our beautiful land. More than 56,000 Iowans have signed petitions in support of the Bottle Bill and its expansion. He said he believed the opinions of these Iowans should count.

Terry Townsend asked if Iowa would be the only state to require 25% recycled material in the plastic containers if this legislation passed.

Mr. Frable said we would be the only state to require this and would be an issue that would have to be explored.

Evelyn Holtan

Evelyn Holtan from Iowa Citizens for Community Improvement (ICCI) said there were several members of her group that would like to speak to the Commission about the problem of corporate hog, dairy, and chicken factories that are moving into Iowa. She said their communities, their health, the health and future of their children and generations to come, and their quality of life have all been seriously impacted. Recent studies show that factory farms give off toxic gases, primarily hydrogen sulfide and ammonia that causes nausea, headaches, bronchitis and more serious respiratory problems. A 1997 study conducted by the University of Iowa found that residents living within two miles of large scale hog confinement units reported significantly higher rates of four clusters of symptoms known to represent toxic or inflammatory effects on the respiratory tract. Another study in 1999 conducted by the University of North Carolina's School of Public Health showed that neighbors of hog factories suffered from headaches, sore throats, excessive coughing, diarrhea and burning eyes. Last spring, after two years of monitoring, the Minnesota Department of Public Health declared that factory farm air emissions posed a risk to public health. There are studies and documentation that show over the last two decades, at least 19 people have died from the hog confinement gases nationwide. Another study from North Carolina showed that the ammonia in the rain had doubled in the last

decade. Minnesota's Pollution Control Agency, using a computer model, found that hydrogen sulfide levels could be expected to violate the safe standards as far as five miles down wind from confinement sites and that ammonia could be expected to violate proposed standards as much as one and a half miles down wind. She said a number of surrounding states already have air quality standards in place and because of this, factory farms are moving from these states into Iowa rather than take the necessary steps to protect the air and residents health.

Don Dubois

Mr. Dubois said his family has lived at their farm for 24 years, which is now a quarter mile from the Heartland Pork hog factory. Heartland has three confinement buildings with pits underneath that spew out the gases, molds, and dust, which his daughter, who has asthma, is extremely affected by. The doctors now have his daughter's asthma under control to a point but every time the wind is from the wrong direction, the smell, which is insignificant compared to the molds and dust, causes her to have problems and she has to be rushed to the doctor. Mr. Dubois said that he has developed migraine headaches and wife has developed respiratory problems in the last two years. He said he has two statements from doctors that state the hog confinement is causing his daughter to have serious health problems. When this was determined he and his wife decided to sell their property and move due to their concerns for their daughters health. However, when they tried to sell his property they learned the property is actually worthless because no one would purchase it because of the location. Their property taxes have been lowered because of it. He said in the past two years his well has been affected to the point that he is unable to control the coliform bacteria. He said he cleans it up only to have it contaminated again six months later.

Charlie Smith

Mr. Smith said he has lived in rural Coon Rapids, in Carroll County, Iowa all of his life and has lived at his current resident for twenty-four years. In the last five to seven years he has experienced an influx of these hog factories and is now surrounded by approximately 100,000 hogs. There are times when it is totally unbearable to be outside. He said in his farming he practices riparian and contour buffers in his fields to slow the water but he is unable to do anything about the air quality. During three weeks in the spring and again in the fall when the operations are hauling manure and for six to eight weeks after he has to put up with the smell of it. He said there is a need for air quality controls and rules and regulations that are enforced.

Carroll Harless

Mr. Harless said he lives one mile east of Iowa Falls, and in 1995 there were two hog factories built, one 1/3 of a mile and one a 1/2 mile from his home. Each one of these sites contains 7,500 hogs in confinement with pits under the buildings. The amount of waste from these hogs would be equal to 36 or 37,000 people, which is six or seven times the population of Iowa Falls. This waste is applied to the fields around his home, much of which is done early in the fall, where much of the nitrogen is wasted. He said in northeast Iowa in Peosta there is an area college that has a course for hog producers to teach them how to safely deal with the gases in the hog buildings so they know they are poisonous and dangerous. The buildings near his home have fans running continuously that draw the gases out of the pits thus drawing fresh air through the buildings and blowing gases out into the surrounding air and when he is out in the field he is only 100 to 150 feet from these buildings. Last February he spent two weeks at Mayo Clinic,

last September he was there for an additional two weeks trying to find out what is causing his problems, which they have been unable to pinpoint. A lot of his neighbors however are complaining about symptoms similar to his. He said he believes, over time these gases have a cumulative effect.

Vic Tomka

Mr. Tomka said he was from Carroll, Iowa is soon to be 75 years old and has had these hog confinement move in within a half-mile and closer. He said although he has never smoked, he has begun to notice that when he goes down to get his mail he becomes short of breath. He said he believes this is due to the air quality because once he leaves the area he no longer has a problem. He has farmed for 50 years and is living on a century farm. He said he would like to see something happen for cleaner air.

Frank Jones

Mr. Jones said he is an ICCI member from Davis County in SE Iowa. His family farms and raises cattle near the Iowa Missouri border, southeast of Bloomfield. In 1997, Heartland Pork moved into Davis County with the promise of 20 buildings, economic development, good jobs, and a statement that they would be good neighbors. That has not happened. Today there are 58 buildings, large earthen lagoons, the odors and other problems that come with them, and there are plans for many more. There are currently permits approved for five more 4000 head sow facilities, each will have a large earthen lagoon, more 9000 head nurseries, and many more 4000 finishing sites. He said this could only mean more waste, more odor, and more degrading of peoples health and lives. These facilities are built with little regard for the surrounding neighbors. He said the corporate factory farms would not be good neighbors unless we force them to be. The NPPC, Farm Bureau, and others say rules must be based on good science. Mr. Jones said the science and research have been done; the odors and compounds from these facilities are making people sick. He said the rules they propose are not extreme, they are based on Air Quality rules used in Minnesota and other states, Iowa needs them now. He asked the Environmental Protection Commission to consider these rules, to have the public hearings, to listen to what the majority of Iowans want and do whatever they could to implement these Air Quality rules. He said they would make Iowa a better place to live, work, and play. He said, as he understood it, the Commissions job is to protect the environment of Iowa.

Myron Hill

Mr. Hill said he was from Wright County and lives south of Clarion. He has been a hog producer and is not against hogs, it is the factories they are trying to fight. He lives in Lincoln Township, which is a six square mile area, and in this township there are four 2800-sow units, two nursery sites at 16,000 pigs each, and one unit with 2700 finishing hogs. He asked the Commission to imagine 2700 finishing hogs dumping into a single hole, which is one and a half miles from his back door. All of the other units have lagoons and they are all owned by one operator. He said a lot of people say that chickens don't smell but he knows people who have had to leave the field because of a nearby chicken factory.

Kurt Kelsey

Mr. Kelsey said he was from Iowa Falls, he is a family farmer, a livestock producer, and an ICCI member. Since last spring ICCI has been working with family livestock producers, attorneys, rural residents, and other people to create rules to regulate hydrogen sulfide and ammonia emissions from factory farms. Since August they have put together thousands of signatures on a rulemaking petition to establish air quality rules for factory farms. They have held 10 public meetings throughout the state to inform Iowans about these rules and about factory farm health effects. He said DNR officials and noted researchers have spoke at these meetings. There has been an overwhelming support for these rules, Iowans want to breathe clean air. He said Iowans are tired of factory farms making them sick. He said he has heard that Hardin County, where he lives, is number three in hog production in Iowa. In the fall issue of the Blue Cross Blue Shield Senior Newsletter it said there were a staggering number of Hardin County residents who got the flu each season. And that Wellmark Report data showed high prevalence for upper respiratory infections for all age groups living in that county.

Phyllis Willis

Ms. Willis said that Iowa Falls is the armpit of Iowa. She said if factory farms are such a good idea lets build them at Living History Farms.

Vern Tigges

Mr. Tigges from Carroll County said he does some farming and also works a full time job in Carroll. He said the proposed rule requires the DNR to set limits on emissions of hydrogen sulfide, ammonia, and odors to protect the health and environment of Iowa. These rules will apply to all confined livestock feeding operations with a maximum capacity of more than 300,000 pounds for hogs, chickens, and turkeys and more than 600,000 pounds for cattle. For hogs and chickens these weight limits would cover facilities that have more than 2000 finishing hogs and 85,700 chickens in total confinement at any one time. For dairy the weight limits would cover facilities that have more than 400 cows in total confinement at any one time. The air quality rules would not affect family farmers. The hydrogen sulfide limit is 30 parts per billion on a half-hour average not to be exceeded more than twice in five consecutive days and 50 parts per billion at a half-hour average not to be exceed twice in a year. He said this is the standard that is used in Minnesota. The ammonia limit is 20 parts per million on a half-hour average not to be exceed more than twice in five consecutive days and 35 parts per million on a half-hour average not to be exceeded twice in a year. He said these limits are set just below the threshold of health problems such as headache and nausea. The rules would require that facilities test the air two times a year. In addition they call for periodic monitoring of hydrogen sulfide and ammonia emissions at the property line of all factory farms by the DNR as well as monitoring of air quality based on neighbor complaints. Additionally all factory farms would be required to submit plans for the steps they will take to keep air pollution below the levels that pollute the air of the state and affect the health of residents.

Evelyn Holtan said this all started because the legislature of the State of Iowa does not listen to what the citizens are asking. She said Mr. Iverson is not favor of local control, therefore ICCI members have turned their efforts statewide. ICCI members submitted a petition with over 5000

signatures from 82 counties. She said ICCI is asking the DNR and the EPC to recognize the importance of establishing these rules, to give the petition serious consideration, and to allow for public hearing on rules throughout the state. She said if Minnesota, North Carolina, Missouri, Nebraska, and other states have taken steps to deal with the problem then it's time for Iowa to follow.

(A copy of the petition for rulemaking is available in the Department's record center.)

UNI BOTTLE BILL ATTITUDINAL STUDY

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

In response to discussions and actions toward expansion of the Beverage Container Deposit Law (Bottle Bill), the Waste Management Assistance Division commissioned the University of Northern Iowa's Center for Social and Behavioral Research to assess adult Iowans' opinions on issues related to the beverage container deposit law. An attitudinal survey was carried out in October 2000, surveying adult Iowans. Specifically, the survey content focused on the following: (1) current recycling or redemption of empty redeemable beverage containers, (2) support for the beverage container deposit law, (3) current recycling of empty nonredeemable beverage containers, (4) support for expanding the beverage container deposit law, (5) attitudes concerning recycling and the beverage container deposit law, and (6) the use of curbside and drop-off recycling.

Representatives from the University of Northern Iowa will be presenting findings from this study and answering any questions regarding the study and its findings.

Liz Christiansen introduced Dr. Gene Lutz, Dr. Mel Gonnerman and Stephanie Ingram from the University of Northern Iowa, Center for Social and Behavioral Research. She said the Department commissioned a study with them to assess adult Iowans opinions on issues related to the beverage container redemption law. She said knowing that it would be a likely issue for discussion by lawmakers this fall the Department wanted to get the best and most accurate information to the lawmakers and Commissions. She said the cost of the study was \$25,000 and was quite lengthy and involved. She said the representatives would give a presentation that will talk about the purpose, methodology, and a summary of the findings.

Dr. Gene Lutz said the University of Northern Iowa had done a similar survey two years before though some adjustments were made to the most recent survey to provide more accurate data. This survey is considered a self report, which means there is no way to verify if what people say is the truth, however they have been conducting these types of surveys for 25 years and have developed a good sense of when people are telling the truth and when they are not, therefore are confident in their findings. He said the people called were selected by a random dial method. They interviewed 830 people for approximately 12 minutes in length and had approximately a 73% cooperation rate.

Dr. Mel Gonnerman said there are three main summary points from this survey, the first being that ending the deposit system would likely increase the number of containers that were thrown in the trash. The second point is that more than 85% of Iowans support and want to keep the beverage container deposit system and third, more than $\frac{3}{4}$ of the people surveyed supported expanding the law.

(A hard copy of the power point presentation is available in the Department's record center.)

INFORMATION ONLY

BOTTLE BILL RESOLUTION

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

RESOLUTION

SUPPORT OF THE UPDATE OF IOWA'S BEVERAGE CONTAINER REDEMPTION LAW

WHEREAS, the Iowa Department of Natural Resources Environmental Protection Commission shall make "...recommendations for legislative action which may be required to protect or enhance the environment..."; *and*

WHEREAS, Iowa's Beverage Container Redemption Law has been an important and effective litter control effort that in its first year resulted in a 79% reduction roadside litter and a 38% drop in overall roadside litter; *and*

WHEREAS, Iowa's Beverage Container Redemption Law has supported increased recycling, with an estimated 90% of all redeemable beverage containers now recycled; *and*

WHEREAS, many non-carbonated beverages, such as bottled waters and sports drinks, did not exist when the original Beverage Container Redemption law was adopted and the proliferation of those new containers, which now represent 15% of all beverages sold in Iowa, now requires an update to the law; *and*

WHEREAS, the people of Iowa strongly support both the existing Beverage Container Redemption Law and its proposed update; *and*

WHEREAS, Iowa's Beverage Container Redemption Law instills respect for Iowa's land, engenders a stewardship ethic among its people and improves our state's overall environmental performance.

NOW, THEREFORE, BE IT RESOLVED, that on the 16th day of January, 2001 the Environmental Protection Commission and the Iowa Department of Natural Resources hereby supports the update of the Beverage Container Redemption Law.

CHAPTER 455C BEVERAGE CONTAINERS CONTROL

- 455C.1 Definitions.
- 455C.2 Refund values.
- 455C.3 Payment of refund value.
- 455C.4 Refusal to accept containers.
- 455C.5 Refund value stated on container—exceptions.
- 455C.6 Redemption centers.
- 455C.7 Unapproved redemption centers.
- 455C.8 Snap-top cans prohibited.
- 455C.9 Rules adopted.
- 455C.10 Appeal.
- 455C.11 Annual appropriation. Repealed by 87 Acts, ch 22, §17.
- 455C.12 Penalties.
- 455C.13 Distributors' agreements authorized.

455C.14 Redemption of refused nonrefillable metal beverage containers.

455C.15 Plastic cans prohibited.

455C.16 Beverage containers—disposal at sanitary landfill prohibited.

455C.17 Reports.

455C.18 Abandon deposit amounts; determination.

455C.19 Transfer of abandon deposit amounts.

455C.20 Reimbursement to distributors.

455C.21 Robert D. Ray Beautiful Land Fund.

455C.22 Minimum Recycled Content.

455C.1 Definitions.

As used in this chapter unless the context otherwise requires:

"Beverage" means wine as defined in section 123.3, subsection 37, alcoholic liquor as defined in section 123.3, subsection 5, beer as defined in section 123.3, subsection 7, ~~mineral water, soda water and similar carbonated soft drinks in liquid form~~ all nonalcoholic carbonated or noncarbonated drinks in liquid form and intended for human consumption except milk and dairy derived products. The term beverage excludes the following:

- a) a liquid which is (i) a syrup, (ii) in a concentrated form or (iii) typically added as a minor flavoring ingredient in food or drink, such as extracts, cooking additives, sauces or condiments;
 - b) a liquid which is ingested in very small quantities and which is consumed for medicinal purposes only;
 - c) a liquid which is designed and consumed only as a nutritional supplement and not as a beverage;
 - d) products frozen at the time of sale to the consumer, or, in the case of institutional users such as hospitals and nursing homes, at the time of sale to such users;
 - e) products designed to be consumed in a frozen state;
 - f) instant drink powders;
 - g) seafood, meat or vegetable broths or soups but not juices;
 - h) farm produced apple cider, which has not been heated, pasteurized or otherwise processed.
2. "Beverage container" means ~~any sealed glass, plastic, or metal bottle, can, jar or carton~~ a bottle, can, jar or other container made of glass, metal, or plastic containing a beverage which has been sealed by a manufacturer.
 3. "Commission" means the environmental protection commission of the department.
 4. "Consumer" means any person who purchases a beverage in a beverage container for use or consumption.
 5. "Dealer" means any person who engages in the sale of beverages in beverage containers to a consumer.
 6. "Dealer agent" means a person who solicits or picks up empty beverage containers from a dealer for the purpose of returning the empty beverage containers to a distributor or manufacturer.
 7. "Department" means the department of natural resources created under section 455A.2.
 8. "Director" means the director of the department.
 9. "Distributor" means any person who engages in the sale or distribution of beverages in beverage containers to a dealer in this state, including any manufacturer who engages in such sales. A dealer that manufactures, or contracts for the manufacture of, its own beverages for exclusive sale by that dealer has the obligations of a distributor under this section.
 10. "Geographic territory" means the geographical area within a perimeter formed by the outermost boundaries served by a distributor.
 11. "Manufacturer" means any person who bottles, cans, or otherwise fills beverage containers for sale to distributors or dealers.
 12. "Milk and dairy derived products" means whole milk, skim milk, cream, low-fat milk, or any combination and includes other products of which the single largest ingredient is whole milk or milk fat or milk with varying percentages of milk fat.
 13. "Nonrefillable beverage container" means a beverage container not intended to be refilled for sale by a manufacturer.
 14. "Redemption center" means ~~a both approved and unapproved facilities~~ at which consumers may return empty beverage containers and receive payment for the refund value of the empty beverage containers.

[C79, 81, § 455C.1; 82 Acts, ch 1199, § 71, 96]

85 Acts, ch 32, § 111; 86 Acts, ch 1245, § 1899C, 1899D; 87 Acts, ch 22, § 12; 88 Acts, ch 1200, § 1; 89 Acts, ch 272, § 34, 42; 90 Acts, ch 1261, § 43, 44; 91 Acts, ch 268, § 433, 442, 443; 92 Acts, ch 1242, § 40, 47

455C.2 Refund values.

1. A refund value of not less than five cents shall be paid by the consumer on each beverage container sold in this state by a dealer for consumption off the premises. Upon return of the empty beverage container upon which a refund value has been paid to the dealer or person operating a redemption center and acceptance of the empty beverage container by the dealer or person operating a redemption center, the dealer or person operating a redemption center shall return the amount of the refund value to the consumer.
2. In addition to the refund value provided in subsection 1 of this section, a dealer, or person operating a redemption center who redeems empty beverage containers or a dealer agent shall be reimbursed by the distributor required to accept the empty beverage containers an amount which is ~~one~~ two cents per container. The Department shall establish by rule a

schedule for future increases. A dealer, dealer agent, or person operating a redemption center may compact empty metal beverage containers with the approval of the distributor required to accept the containers.

[C79, 81, § 455C.2]

87 Acts, ch 22, § 13; 88 Acts, ch 1200, § 2; 89 Acts, ch 272, § 35, 42; 90 Acts, ch 1261, § 43, 44; 91 Acts, ch 268, § 434, 442, 443; 92 Acts, ch 1242, § 34, 38, 39, 40, 47

455C.3 Payment of refund value.

Except as provided in section 455C.4:

1. A dealer shall not refuse to accept from a consumer any empty beverage container of the kind, size and brand sold by the dealer, or refuse to pay to the consumer the refund value of a beverage container as provided under section 455C.2.
2. a) A distributor shall accept and pick up from a dealer served by the distributor or a redemption center within the geographic territory served by the distributor for a dealer served by the distributor at least ~~weekly~~ once every seven days, or when the distributor delivers the beverage product if deliveries are less frequent than weekly, any empty beverage container of the kind, size and brand sold by the distributor. A distributor or employee or agent of a distributor is not in violation of this subsection if a redemption center is closed when the distributor attempts to make a regular delivery or a regular pickup of empty beverage containers.
- b) A distributor shall pay to the dealer or person operating a redemption center the refund value of a beverage container and the reimbursement as provided under section 455C.2 within ~~one week~~ seven days following pickup of the containers or when the dealer ~~or redemption center~~ normally pays the distributor for the deposit on beverage products purchased from the distributor if less frequent than weekly.
- c) This subsection does not apply to a distributor selling alcoholic liquor to the alcoholic beverages division of the department of commerce.
1. A distributor shall not be required to pay to a manufacturer a deposit or refund value on a nonrefillable beverage container.
2. A distributor shall accept from a dealer agent any empty beverage container of the kind, size, and brand sold by the distributor and which was picked up by the dealer agent from a dealer within the geographic territory served by the distributor and the distributor shall pay the dealer agent the refund value of the empty beverage container and the reimbursement as provided in section 455C.2.
3. The alcoholic beverages division of the department of commerce shall provide for the disposal of empty beverage containers as required under subsection 2. The division shall give priority consideration to the recycling of the empty beverage containers to the extent possible, before any other appropriate disposal method is considered or implemented.

[C79, 81, § 455C.3]

NEW SUBSECTION

4. **A dealer that manufactures, or contracts for the manufacture of, its own beverages for exclusive sale by that dealer has the obligation of a distributor under this section.**

NEW SUBSECTION

5. **Beginning with the quarter starting on July 1, 2001, any distributor who receives deposits under this chapter shall segregate said deposits in a fund which shall be maintained separately from all other revenues. The distributor shall report on a quarterly basis to the department in a manner prescribed by the department, the amount of deposits received by the distributor and the amount refunded by the distributor.**

NEW SUBSECTION

6. **Any distributor who is subject to the provisions of section 455C.2 shall maintain a separate account to be known as the Deposit Transaction Fund. Said fund shall be kept separate from all other revenues and accounts. Each distributor shall place in said fund the refund value for all deposit beverage containers it sells subject to the provisions of this chapter.**

NEW SUBSECTION

7. **Amounts in the Deposit Transaction Fund shall not be used to pay the handling fees as required by section 455C.2 subsection 2. Each such fund shall be maintained by said distributors on behalf of consumers who have purchased deposit beverage containers and on behalf of the State of Iowa.**

83 Acts, ch 84, § 1; 88 Acts, ch 1200, § 3; 89 Acts, ch 272, § 36, 42; 90 Acts, ch 1261, § 43, 44; 91 Acts, ch 268, § 442, 443; 92 Acts, ch 1242, § 35, 38, 39, 40, 47

455C.4 Refusal to accept containers.

1. Except as provided in section 455C.5, subsection 3, a dealer, a person operating a redemption center, a distributor or a manufacturer may refuse to accept any empty beverage container which does not have stated on it a refund value as provided under section 455C.2.
2. A dealer may refuse to accept and to pay the refund value of any empty beverage container if the place of business of the dealer and the kind and brand of empty beverage containers are included in an order of the department approving a redemption center under section 455C.6.
3. ~~A dealer or a distributor may refuse to accept and to pay the refund value of an empty wine or alcoholic liquor container which is marked to indicate that it was sold by a state liquor store. The alcoholic beverages division shall not reimburse a~~

~~dealer or a distributor the refund value on an empty wine or alcoholic liquor container which is marked to indicate that the container was sold by a state liquor store.~~

4. A class "E" liquor control licensee may refuse to accept and to pay the refund value on an empty alcoholic liquor container from a dealer or a redemption center or from a person acting on behalf of or who has received empty alcoholic liquor containers from a dealer or a redemption center.
5. A manufacturer or distributor may refuse to accept and to pay the refund value and reimbursement as provided in section 455C.2 on any empty beverage container that was picked up by a dealer agent from a dealer outside the geographic territory served by the manufacturer or distributor.

[C79, 81, § 455C.4]

85 Acts, ch 32, § 112; 87 Acts, ch 22, § 14, 15; 88 Acts, ch 1200, § 4; 89 Acts, ch 161, § 9

455C.5 Refund value stated on container—exceptions.

1. Each beverage container sold or offered for sale in this state by a dealer shall clearly indicate by embossing or by a stamp, label or other method securely affixed to the container, the refund value of the container. The department shall specify, by rule, the minimum size of the refund value indication on the beverage containers.
2. ~~A person, except a distributor, shall not import into this state after July 1, 1979 a beverage container which does not have securely affixed to the container the refund value indication. The provisions of this subsection do not apply if:~~
 - a. ~~For beverage containers containing alcoholic liquor as defined in section 123.3, subsection 5, the total capacity of the containers is not more than one quart or, in the case of alcoholic liquor personally obtained outside the United States, one gallon.~~
 - b. ~~For beverage containers containing beer as defined in section 123.3, subsection 7, the total capacity of the containers is not more than two hundred eighty-eight fluid ounces.~~
 - c. ~~For all other beverage containers, the total capacity of the containers is not more than five hundred seventy-six fluid ounces.~~
1. The provisions of ~~subsections 1 and 2 of~~ this section do not apply to a refillable glass beverage container which has a brand name permanently marked on it and which has a refund value of not less than five cents, to any other refillable beverage container which has a refund value of not less than five cents and which is exempted by the director under rules adopted by the commission, or to a beverage container sold aboard a commercial airliner or passenger train for consumption on the premises.

[C79, 81, § 455C.5]

85 Acts, ch 32, § 113; 87 Acts, ch 22, § 16

455C.6 Redemption centers.

1. To facilitate the return of empty beverage containers and to serve dealers of beverages, any person may establish a redemption center, subject to the approval of the department, at which consumers may return empty beverage containers and receive payment of the refund value of such beverage containers.
2. An application for approval of a redemption center shall be filed with the department. The application shall state the name and address of the person responsible for the establishment and operation of the redemption center, the kind and brand names of the beverage containers which will be accepted at the redemption center, and the names and addresses of the dealers to be served by the redemption center. The application shall contain such other information as the director may reasonably require.
3. The department shall approve a redemption center if it finds that the redemption center will provide a convenient service to consumers for the return of empty beverage containers. The order of the department approving a redemption center shall state the dealers to be served by the redemption center and the kind and brand names of empty beverage containers which the redemption center must accept. The order may contain such other provisions to insure that the redemption center will provide a convenient service to the public as the director may determine.
4. The department may review the approval of any redemption center at any time. After written notice to the person responsible for the establishment and operation of the redemption center, and to the dealers served by the redemption center, the commission may, after hearing, withdraw approval of a redemption center if the commission finds there has not been compliance with the department's order approving the redemption center, or if the redemption center no longer provides a convenient service to the public.
5. All approved redemption centers shall meet applicable health standards.

[C79, 81, § 455C.6]

455C.7 Unapproved redemption centers.

Any person may establish a redemption center which has not been approved by the department, at which a consumer may return empty beverage containers and receive payment of the refund value of the beverage containers. The establishment of an unapproved redemption center shall not relieve any dealer from the responsibility of redeeming any empty beverage containers of the kind and brand sold by the dealer.

[C79, 81, § 455C.7]

455C.8 Snap-top cans prohibited.

A person shall not sell or offer for sale at retail in this state any metal beverage container so designed and constructed that a part of the container is detachable in opening the container.

[C79, 81, § 455C.8]

455C.9 Rules adopted.

The commission shall adopt, upon recommendation of the director, the rules necessary to carry out the provisions of this chapter, subject to the provisions of chapter 17A.

[C79, 81, § 455C.9]

455C.10 Appeal.

Any person aggrieved by an order of the department relating to the approval or withdrawal of approval for a redemption center may seek judicial review of such order as provided in chapter 17A.

[C79, 81, § 455C.10]

455C.11 Annual appropriation. Repealed by 87 Acts, ch 22, § 17.

455C.12 Penalties.

1. Any person violating the provisions of this chapter, or a rule adopted under this chapter shall be guilty of a simple misdemeanor.
2. A distributor who collects or attempts to collect a refund value on an empty beverage container when the distributor has paid the refund value on the container to a dealer, redemption center, or consumer is guilty of a fraudulent practice.
3. Any person who does any of the following acts is guilty of a fraudulent practice:
 - a. Collects or attempts to collect the refund value on the container a second time, with the knowledge that the refund value has once been paid by the distributor to a dealer, redemption center or consumer.
 - b. Manufactures, sells, possesses or applies a false or counterfeit label or indication which shows or purports to show a refund value for a beverage container, with intent to use the false or counterfeit label or indication.
 - c. Collects or attempts to collect a refund value on a container with the use of a false or counterfeit label or indication showing a refund value, knowing the label or indication to be false or counterfeit.
1. As used in this section, a false or counterfeit label or indication means a label or indication purporting to show a valid refund value which has not been initially applied as authorized by a distributor.
2. Subsection 2 and subsection 3, paragraph "a" of this section have no application to empty beverage containers which are intended to be refillable and are in a standard of condition except for sanitization to be refillable by the manufacturer.

[C79, 81, § 455C.12]

455C.13 Distributors' agreements authorized.

A distributor may enter into a contract or agreement with any other distributor, manufacturer or person for the purpose of collecting or paying the refund value on, or disposing of, beverage containers as provided in this chapter.

[C81, § 455C.13]

455C.14 Redemption of refused nonrefillable metal beverage containers.

1. If the refund value indication required under section 455C.5 on an empty nonrefillable metal beverage container is readable but the redemption of the container is lawfully refused by a dealer or person operating a redemption center under other sections of this chapter or rules adopted pursuant to these sections, the container shall be accepted and the refund value paid to a consumer as provided in this section. Each beer distributor selling nonrefillable metal beverage containers in this state shall provide individually or collectively by contract or agreement with a dealer, person operating a redemption center or another person, at least one facility in the county seat of each county where refused empty nonrefillable metal beverage containers having a readable refund value indication as required by this chapter are accepted and redeemed. In cities having a population of twenty-five thousand or more, the number of the facilities provided shall be one for each twenty-five thousand population or a fractional part of that population.
2. A beer distributor violating this section is guilty of a simple misdemeanor.

[C81, § 455C.14]

455C.15 Plastic cans prohibited.

1. A person shall not manufacture, offer for sale, or sell any single-serving beverage container which is a plastic can nor offer for sale or sell any beverage packaged in a single-serving plastic can. For the purposes of this section, a "plastic can" means a beverage container which, in addition to the closure mechanism, is composed of plastic and metal.
2. A person violating this section is guilty of a serious misdemeanor.

89 Acts, ch 44, § 1

455C.16 Beverage containers—disposal at sanitary landfill prohibited.

~~Beginning July 1, 1990, the~~ The final disposal of beverage containers under this section by a dealer, distributor, or manufacturer, or person operating a redemption center, in a sanitary landfill, is prohibited. ~~Beginning September 1, 1992, the final disposal of~~

~~beverage containers used to contain alcoholic liquor as defined in section 123.3, subsection 8, by a dealer, distributor, or manufacturer, or person operating a redemption center in a sanitary landfill, is prohibited. A person violating this section is guilty of a simple misdemeanor.~~

89 Acts, ch 272, § 37; 91 Acts, ch 268, § 435; 92 Acts, ch 1215, § 14

NEW SECTION. 455C.17 Reports

Every distributor shall report to the department by the third day of the month following the completion of the quarter, concerning transactions affecting its Deposit Transaction Fund in the preceding quarter. The report shall be made in a form prescribed by the department and shall include the number of deposit beverage containers sold and the number of deposit beverage containers returned in said quarter, any income earned on amounts in the Deposit Transaction Fund during said preceding quarter, the balance in said Deposit Transaction Fund at the close of said preceding quarter, and such other information as required by the department in furtherance of its duties pursuant to this chapter.

NEW SECTION. 455C.18 Abandon Deposit Amounts; Determination

At the end of each quarter, any amounts that are or should be in a distributor's Deposit Transaction Fund and that are in excess of the income earned on amounts in said account during that quarter shall be deemed to constitute abandoned deposit amounts. Income earned on said fund may be transferred from said fund for use as funds of the distributor.

NEW SECTION. 455C.19 Transfer of Abandon Deposit Amounts

By the third day of the month following the completion of the quarter, each distributor shall turn over to the department any deposit amounts deemed to be abandoned at the close of the preceding quarter, pursuant to section 455C.18. Such amounts shall be paid from the Deposit Transaction Fund to the department. Amounts collected by the department pursuant to this section shall be deposited in the Robert D. Ray Beautiful Land Fund, established pursuant to section 455C.21.

NEW SECTION. 455C.20 Reimbursement to Distributors

If in any month the authorized payments from the Deposit Transaction Fund by a distributor pursuant section 455C.3 subsection 8, exceed the funds that are or should be in its Deposit Transaction Fund, the department shall reimburse the distributor, from funds received in the Robert D. Ray Beautiful Land Fund section 455C.21.

NEW SECTION. 455C.21 Robert D. Ray Beautiful Land Fund

The Robert D. Ray Beautiful Land Fund shall be established in the office of the treasurer of the state under the control of the department. Amounts deposited in said fund shall be used solely for programs and projects in the management of solid waste and for environmental protection.

(a) \$250,000 to the Department of Transportation's Adopt-A-Highway Program.

(b) \$350,000 to the Iowa Waste Exchange.

(c) Not less than one third of the amounts deposited in the Fund shall be used to support Adopt-A Place programs (roadways, trails, parks, waterways, etc.) as administered at the local level to address litter.

(d) Not less than one sixth of the amounts deposited in the Fund shall be used in the form of grants to points of redemption (dealers and redemption centers) to increase the effectiveness, efficiency, and convenience of redemption.

(e) Not less than one sixth of the amounts deposited in the Fund shall be used for litter/illegal dumping/awareness/information/education grants.

(f) Not less than one sixth of the amounts deposited in the Fund shall be used for waste reduction, reuse and recycling awareness/information/education grants.

(g) Not less than one sixth of the amounts deposited in the Fund shall be used for zero-interest loans to develop end uses and markets for recyclables in Iowa.

NEW SECTION. 455C.22 Minimum Recycled Content in Beverage Containers

All beverage containers sold in Iowa and as defined in 455C.1 shall have a minimum post-consumer recycled content of 25 percent by weight.

Liz Christiansen presented the resolution for the Commission to support expansion of the bottle bill.

Discussion followed regarding the Department's position.

Rita Venner said she would like to see the Department be part of the resolution.

Motion was made by Rosanne King to adopt the resolution. Seconded by Kathryn Murphy.

James Braun asked if there was anyway that the Department and the EPC could send over a joint resolution in support of Bottle Bill.

Larry Wilson said they would need to wait until Interim Director Lyle Asell returned.

Motion was made by James Braun to table the resolution until Lyle Asell's return. Seconded by Rita Venner. Motion carried unanimously.

TABLED

Rozanne King asked what effect would the bottle bill expansion have on the vendors.

Liz Christiansen said there would most likely be some temporary space issues involved with the expansion for the vendors but she felt the Department would be able to provide some assistance to them.

Roy Overton, lobbyist for the Isaac Walton League asked to address the Commission. He said it is important that we stress that this is an antilitter bill not a recycling bill.

Jerry Flagel, President, Iowa Grocery Industry Association asked to address the Commission. He said he found it interesting that the Department is supporting the expansion of the bottle bill when he is going on his fourth year as president of the association and has never been contacted once by the DNR on this issue. He said he felt it was poor public policy to formulate a position before approaching the vendors to work with them. As a member of the association he has had both large and small stores and the bottle bill has been a problem. He said the association does support litter control and recycling but felt the expansion would cost consumers 35 to 40 million dollars a year in increased handling fees. He said a study done in Massachusetts, three years prior, when they were looking at expansion cited a cost of between 10 and 12 cents per container. He said Keep Iowa Beautiful, who has many members from the Iowa Recycling Association and the Grocers Association, have met and are looking at the litter issue. They will be conducting a litter survey and attitudinal study. He said we should not rush into establishing a bottle bill expansion before we actually know what litter is out there. Especially when litter surveys from other states show that the containers affected by this proposal are less than two percent of the litter.

Brief discussion followed.

PRIVATE WELL SAMPLING, REHABILITATION AND CLOSURE PROGRAM – GRANTS TO COUNTIES, FISCAL YEAR 2001

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for SFY2002 grants to 98 counties for well testing, plugging and rehabilitation. The grants will be for a maximum of \$15,000 per county for a total maximum of \$1,470,000. The amount provided to each county may be less, depending upon the actual numbers of wells tested, plugged or renovated by each county.

These figures are based on the current un-obligated balance in the groundwater fund of the agricultural management account of the groundwater protection fund, additional receipt of funds expected before the end of the current fiscal year, and an expected percent usage factor. The grant amounts are the same as last year. Ninety-eight applications were received for the grant program and all counties applying were determined to be eligible. Marshall County is the only county not participating.

Since the Grants to County program has been in existence (11 years), over 38,000 abandoned wells have been plugged, which may be about one third of the total abandoned wells needing to be plugged. In the last four years, nearly 1250 wells in poor condition have been rehabilitated (rehabilitation as an eligible activity under the program was authorized in 1997). In addition, about 13,000 private well water samples per year are tested through this program.

Mike Valde explained the item

Motion was made by Rozanne King to approve the grants to counties. Seconded by James Brown. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED RULE, CHAPTER 61, WATER QUALITY STANDARDS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval will be requested for a Notice of Intended Action (NOIA) to initiate rulemaking for proposed changes to the state's water quality standards (WQS). These changes are being proposed to address EPA disapproval of various changes made to the WQS from July 1992 through January 1999 and to avoid federal (EPA) promulgation of WQS for Iowa.

The NOIA will initiate action to make the following changes.

- Establish a Class A (Primary Contact Recreation) use designation for ten waterbodies or waterbody segments. Six stream segments and one lake that were designated as Class A waterbodies in the pre-1990 WQS are currently not designated as Class A waters. The EPA feels these need to be designated as Class A waters unless a use attainability analysis is done to show they cannot be used for primary contact recreation. In addition, the Class A use was removed from one stream segment (Big Creek near Mt. Pleasant) by the Commission without the proper documentation (i.e., use attainability analysis).
- Establish a Class C use for Mystic Reservoir in Appanoose County.
- Establish numerical criteria for endosulfan, bromoform, chlorodibromomethane, chloroform, and dichlorobromomethane. The existing WQS either do not have numeric values for these compounds or the EPA feels the established values are inconsistent with EPA guidance for developing site-specific values.
- Eliminate a provision in the antidegradation policy that exempts the repair and maintenance of drainage district ditches from the policy. The EPA denied this provision adopted in October 1993 because they feel it is inconsistent with the requirement that WQS, including antidegradation, apply to all waters of the state.

**ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action**

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 61, "Water Quality Standards," Iowa Administrative Code. The amendments being proposed will address EPA disapproval of various changes made to the WQS from July 1992 through January 1999 and to avoid federal (EPA) promulgation of WQS for Iowa.

A recent case (known as the Alaska case) resulted in a federal court ruling that until such time as the EPA approves state-adopted water quality standards (WQS), the WQS are not effective for the purpose of carrying out the federal Clean Water Act. The ruling prompted the EPA to adopt new rules reflecting the court decision and to launch a nationwide effort to catch up on the backlog of state WQS submittals.

The Region VII EPA review of all post-1992 WQS changes adopted by the Commission resulted in the approval of most of the adopted standards but disapproval of some items. The

disapproved items generally fall into the following broad categories: removal or “downgrades” of designated uses for waterbodies without proper documentation; numeric water quality criteria not included or improperly calculated; and a provision of the antidegradation policy dealing with drainage ditches. Many of the disapproved items have already been addressed in previous rulemaking; this action is to address the remaining issues.

The amendments now being proposed will, if adopted, effect the following changes.

- a) Class A (Primary Contact Recreation) use designations will be reestablished for eight waterbodies or waterbody segments. Six stream segments and one lake that were designated as Class A waterbodies in the pre-1990 WQS are currently not designated as Class A waters. The EPA feels these need to be designated as Class A waters unless a use attainability analysis is done to show they cannot be used for primary contact recreation. In addition, the Class A use was removed from one stream segment (Big Creek near Mt. Pleasant) by the Commission without the proper documentation (i.e., use attainability analysis).
- b) A Class C (Drinking Water Supply) use designation will be reestablished for Mystic Reservoir (Appanoose Co.). Even though this lake is no longer being used for water supply, the use cannot be removed without a use attainability analysis (UAA) and it is doubtful EPA would approve such a use removal even if a UAA were completed.
- c) Numerical criteria will be established for endosulfan, bromoform, chlorodibromomethane, chloroform, and dichlorobromomethane. The existing WQS either do not have numeric values for these compounds or the EPA feels the established values are inconsistent with EPA guidance.
- d) A provision in the antidegradation policy that exempts the repair and maintenance of a drainage district ditches from the policy will be removed. The EPA disapproved this provision (adopted by the Commission in October 1993) because they feel it is inconsistent with the requirement that WQS, including antidegradation provisions, apply to all waters of the state.

Any person may submit written suggestions or comments on the proposed rule changes through February 14, 2001. Such written material should be submitted to Ralph Turkle, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034, FAX (515)281-8895 or by Email to ralph.turkle@dnr.state.ia.us. Persons who have questions may contact Ralph Turkle at (515)281-7025.

Persons are invited to present oral or written comments at public hearings which will be held:

February __, 2001, 10:30 a.m. in the Iowa City Public Library meeting room ‘A’, 123 S. Linn St., Iowa City.

February __, 2001, 7:00 p.m. in the Decorah City Hall meeting room, 400 Claiborne Drive, Decorah.

February __ 2001, 10:00 a.m. in the Cherokee Community Center, 530 W. Bluff St., Cherokee

February __, 2001, 7:00 p.m. in the Clear Lake Community meeting room, 15 N. Sixth St., Clear Lake,

February __, 2001, 11:00 a.m. in the Municipal Utilities Conference room, 15 W. Third St., Atlantic,

February __, 2001, 1:00 p.m. in the Wallace State Office Building, 5th floor conference room (East ½, 900 East Grand Ave., Des Moines

These amendments may have an impact upon small businesses.

Additional information on Iowa’s Water Quality Standards can be found on the Department’s web site at <http://www.state.ia.us/epd/prgrmdsc/wtrqual/sum.html>. Copies of Environmental Protection

Commission rules may be obtained from Cecilia Nelson, Records Center, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034.

These amendments are intended to implement Iowa Code chapter 455B, division III, part 1.

ITEM 1. Amend paragraph 61.2(2) “h” as follows:

This policy shall be applied in conjunction with water quality certification review pursuant to Section 401 of the Act. In the event that activities are specifically exempted from flood plain development permits or any other permits issued by this department in 567—Chapters 70, 71, and 72, the activity will be considered consistent with this policy. Other activities not otherwise exempted will be subject to 567—Chapters 70, 71, and 72 and this policy. ~~The repair and maintenance of a drainage district ditch as defined in 567—70.2(455B,481A) will not be considered a violation of the antidegradation policy for the purpose of implementing Title IV of these rules.~~ United States Army Corps of Engineers (Corps) nationwide permits 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 27, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, and 44 as promulgated March 9, 2000, are certified pursuant to Section 401 of the Clean Water Act. Regional permit numbers 2, 7, 12, and 20 of the Rock Island District of the Corps are also certified. No specific Corps permit or 401 certification is required for activities covered by these permits unless required by the nationwide permit or the Corps, and the activities are allowed subject to the terms of the nationwide and regional permits.

ITEM 2 Amend subrule 61.3(3) Table 1, Criteria For Chemical Constituents, by adding the following compounds and associated criteria in the proper alphabetical sequence and by modifying the criteria for endosulfan:

Table 1: Criteria For Chemical Constituents

(all values as micrograms per liter unless noted otherwise)

Human health criteria for carcinogenic parameters noted below were based on the prevention of an incremental cancer risk of 1 in 100,000. For parameters not having a noted human health criterion, the U.S. Environmental Protection Agency has not developed final national human health guideline values. For non-carcinogenic parameters the recommended EPA criterion was selected. For Class C waters, the EPA criteria for fish and water consumption were selected using the same considerations for carcinogenic and non-carcinogenic parameters noted above. For Class C waters where no EPA human health criteria were available, the EPA MCL value was selected.

Parameter		Use Designations				
		B(CW)	B(WW)	B(LR)	B(LW)	C
<u>Bromoform</u>	<u>Human Health - F & W</u>	=	=	=	=	<u>43</u>
<u>Chlorodibromomethane</u>	<u>Human Health - F & W</u>	=	=	=	=	<u>4.1</u>
<u>Chloroform</u>	<u>Human Health - F & W</u>	=	=	=	=	<u>57</u>
<u>Dichlorobromomethane</u>	<u>Human Health - F & W</u>	=	=	=	=	<u>5.6</u>
Endosulfan ^(b)	Chronic	.056	.15	.15	.15	-
	Acute	.11	.3	.3	.3	-

Parameter	Use Designations				
	B(CW)	B(WW)	B(LR)	B(LW)	C
Human Health+ - Fish	2400	2400	-	2400	-
Human Health+ - F & W	-	-	-	-	110

* units expressed as milligrams/liter

** to include the sum of known and suspected carcinogenic PAHs

† expressed as nanograms/liter

+ Represents the noncarcinogenic human health parameters

++ The concentrations of 4,4-DDT or its metabolites; 4,4-DDE and 4,4-DDD, individually shall not exceed the human health criteria.

(a) units expressed as million fibers/liter (longer than 10 micrometers)

(b) Includes alpha-Endosulfan, beta-Endosulfan, and Endosulfan Sulfate in combination or as individually measured.

(c) total trihalomethanes includes the sum of bromodichloromethane, dibromochloromethane, tribromomethane (bromoform), and trichloromethane (chloroform)

(d) Class B numerical criteria for pentachlorophenol is a function of pH using the equation: Criterion

($\mu\text{g/l}$) = $e^{[1.005(\text{pH}) - x]}$, where $e = 2.71828$ and x varies according to the following table.

	B(CW)	B(WW)	B(LR)	B(LW)
Acute	3.869	4.869	4.869	4.869
Chronic	4.134	5.134	5.134	5.134

ITEM 3. Insert the following changes into subrule 61.3(5)“e” in their natural sequence or hydrological order:

	A	B(WW)	B(LR)	B(LW)	B(CW)	C	HQ	HQR
Southern Iowa River Basins								
Grand R. (aka Thompson R.)								
71	<u>X</u>	X						
Iowa-Missouri state line (Decatur Co.) to confluence with Long Cr. (SW 1/4, S8, T69N, R26W, Decatur Co.)								
Grand R. (aka Thompson R.)								
72.	<u>X</u>		X					
Confluence with Long Cr. (SW 1/4, S8, T69N, R26W, Decatur Co.) to <u>U.S. Hwy. 34 (S17, T72N, R28W, Union Co.)</u>								
<u>Grand R. (aka Thompson R.)</u>								
<u>72a.</u>			X					
<u>U.S. Hwy. 34 (S17, T72N, R28W, Union Co.) to confluence with Marvel Cr. (S8, T75N, R30W, Adair Co.)</u>								
Des Moines River Basin								
Des Moines R.								
12.		X						
Fort Dodge Upper impoundment to <u>Humboldt impoundment (aka Lake Nakomis) Dam</u>								
<u>Des Moines R.</u>								
<u>12a.</u>	<u>X</u>	X						
<u>Humboldt impoundment (aka Lake Nakomis) Dam to state line</u>								

		A	B(WW)	B(LR)	B(LW)	B(CW)	C	HQ	HQR
155.	Prairie Cr. Mouth (S35, T88N, R28W, Webster Co.) to <u>Rd. crossing center of Section 28, T88N, R28W, Webster Co.</u>	<u>X</u>		X					
155a.	<u>Prairie Cr.</u> <u>Road crossing center of Section 28, T88N, R28W, Webster Co. to confluence with D.D. No. 29 (S25, T88N, R29W, Webster Co.)</u>			X					
Skunk River Basin									
16	Big Cr. Mouth (Henry Co.) to confluence with Saunders Branch (S17, T71N, R6W, Henry Co.)	<u>X</u>	X						
17.	Big Cr. Confluence with Saunders Branch (Henry Co.) to <u>confluence with Brandywine Creek (S29, T72N, R6W, Henry Co.)</u>	<u>X</u>		X					
17a.	<u>Big Cr.</u> <u>Confluence with Brandywine Creek (S29, T72N, R6W, Henry Co.) to confluence with Lawrence Creek (S5, T71N, R5W, Henry Co.)</u>			X					
35.	South Skunk R. Ames Waterworks Dam (S36, T84N, R24W, Story Co.) to North line S6, T85N, R23W, Story Co.	<u>X</u>	X						X
Iowa-Cedar River Basins									
94.	Dry Run Mouth (S18, T89N, R13W, Blackhawk Co.) to confluence with an unnamed tributary (S23, T89N, R14W, Blackhawk Co.)	<u>X</u>		X					
Northeastern Iowa River Basins									
8.	Duck Cr. Mouth (S27, T78N, R4E, Scott Co.) to <u>Co. Rd. (Section 16-21, T78N, R3W, Scott Co.)</u>	<u>X</u>		X					
8a.	<u>Duck Cr.</u> <u>Co. Rd. (Section 16-21, T78N, R3W, Scott Co.) to confluence with unnamed tributary (SE 1/4, S14, T78N, R2E, Scott</u>			X					

Co.)	A	B(WW)	B(LR)	B(LW)	B(CW)	C	HQ	HQR
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LAKES

County		Location	Water Uses								
Lake Name		R. T. S.	A	B(WW)	B(LR)	B(LW)	B(CW)	C	HQ	HQR	
<u>Appanoose</u>											
9a	<i>Mystic Reservoir</i>	18 69 8	X			X		X			
<u>O'Brien</u>											
254	<i>Mill Creek (Lake)</i>	41 95 3	X			X					

Mike Valde explained the history behind this notice of intended action. He explained this proposed rule is in response to the Alaska Rule, where a court case held that if EPA had not approved water quality standards they were not effective. After that case, EPA began reviewing water quality standards that had been promulgated by the Department over approximately 10 years and disapproved some of the water quality standards. The law states if the Department does not adopt them, the EPA will reinstate the old standards. He said if approved by the Commission the Department would hold six public hearings throughout the state.

Brief discussion followed regarding the current rules.

Lisa Davis Cook arrived at 11:45 a.m.

Motion was made by Kathryn Murphy to approve the notice of intended action. Seconded by Rozanne King.

Don Etler, Iowa Drainage District Association addressed the Commission. He said this was the first he had heard of the Alaska Rule that Mike Valde referred to. He said eight years ago the Iowa Drainage District Association appealed to the Commission to insert an exemption for drainage ditch maintenance in the standards and against staff recommendations the Commission approved it. He said their concerns are that these standards would become freestanding, not triggered by another federal action and that the exemption would be removed from the federal rules. He said that had proven close to true last year when the Corps of Engineers seriously considered adopting a new definition for streams called channelized streams into which most drainage ditches would fall and thereby losing the exemption for ditch maintenance in the clean water act. Therefore they feel their concerns are more important today than they were eight years ago. He said the first point he wished to make is that two things have not changed in the past eight years, one is the clean water act, which was last visited by congress in 1987. He said the other point is the EPA is usually wrong. He cited a report of the Reissen Public Policy Institute, Environmental Performance at the Bench, The EPA's Record in Federal Court. "They

find that they EPA won 33 percent of the cases in which they are sued over the last seven years.” The report cites that “the court often strikes down EPA regulations because the regulation is unlawful, noncompliant, or is arbitrary and capricious. In many cases over the past seven years the EPA was found to act with little regard for the limits or the obligations of its authority.” Mr. Etler said nothing is more evident of that than the recent Supreme Court ruling, which eliminated Corp of Engineers jurisdiction over isolated wetlands. He said now the EPA is saying that you must promulgate these rules or they will do it for you. He asked staff to supply him with additional information and a legal interpretation about the Alaska Rule before they go any further with promulgating a rule to exempt drainage ditch maintenance from water quality standards. The second point he made was that the clean water act itself exempts drainage ditch maintenance from jurisdiction, it states in part, “The maintenance of drainage ditches is not prohibited by or otherwise subject to regulation under this section, section 301a or 402 of this act.” He said they would like staff to delay action until a legal authority can answer these questions. Not the EPA staff in Kansas City.

Jack Riessen from Water Resources Bureau said section 404 activities clearly exempts drainage ditch maintenance activities but the crux of the issue is how maintenance is defined.

Mike Valde said Mr. Etlers comments were fair but really were something that could be submitted during the public comment period.

Kathryn Murphy said she would like her motion to approve to stand. Seconded by James Braun

Rozanne King said she would support the motion but would like to have a legal opinion on the issue either now or in the future.

Discussion followed regarding the details of the Alaska case.

Motion carried Unanimously

APPROVED AS PRESENTED

Rozanne King said she would still like to see a formal legal opinion.

Mike Murphy said his bureau would review it and report back to the Commission.

REFERRALS TO THE ATTORNEY GENERAL

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Rustad Farms, Inc. (Butler County) – animal feeding operation/penalty.

Mike Murphy said the Department is seeking referral of Arlen Rustad to the Attorney General to collect a three-thousand-dollar penalty. Rustad operated a confinement swine operation in Butler County. The operation closed in July in 1999, at which time the Department received a complaint of the basin overflowing. The Department investigated and verified the fact and then contacted Mr. Rustad who indicated that he was out of the business and would not be taking any steps to cease it. The Department then contacted the owners, who came in and stopped the overflow and removed the manure. The Department issued an administrative order in July of 2000 assessing the penalty. Mr. Rustad did not appeal the order, the penalty became final, and it is now brought to the Commission for referral for collection. Mr. Rustad did contact the Department saying that he did not have the money to pay the penalty, the Department offered to set him up on a payment schedule, which he declined.

Mr. Arlen Rustad said he must have been confused about the order when he received it. He said the neighbors are the ones who called and reported the spill, with the objective of keeping anyone else from establishing a hog operation on it due to the lagoon taking on surface water from the rains. He said when he left the property the lagoon was below the level so that it would not run over and he did not have many hogs there in the end anyway. He said there had been an extreme amount of rain that summer. He did not understand that there was a fine coming and when he received the order he thought it was something about not complying with the manure-handling plan so he threw it away. He said he had a letter from the neighbors who had complained that stated there was no problem before he left. He said he had no money to pay the fine.

Lengthy discussion followed.

Motion was made by Rozanne King to refer. Seconded by Randall Giannetto. Motion carried unanimously.

REFERRED

Approval of Minutes

- Add: Lisa Davis Cook to list of Commissioners present.

Motion was made by Rita Venner to approve the minutes. Seconded by Kathryn Murphy. Motioned carried unanimously.

APPROVED AS AMENDED

Mike Valde said he had obtained a copy of the Alaska Rule, which was published on April 27, 2000 in response to a case called Alaska Clean Water Act Alliance vs. Clark, which was decided in 1997. It was a Federal District Court Decision after which EPA and the parties entered into an agreement and had a consent order issued that EPA would promulgate a rule by a certain date. The Alaska Rule implements a settlement in the case.

ADOPTED AND FILED – AIR QUALITY PROGRAM RULES, CHAPTER 22, 23, AND 25, UPDATES, REVISIONS, AND ADDITIONS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the proposed amendments to Chapter 22, “Controlling Pollution,” Chapter 23, “Emission Standards for Contaminants,” and Chapter 25, “Measurement of Emissions” of the Iowa Administrative Code (567).

The purpose of this rulemaking is to adopt by reference 3 national emission standards for hazardous air pollutants (NESHAPs) that were promulgated by EPA for the following source categories: hazardous waste combustors, publicly owned treatment works, and amino/phenolic resin production units. EPA has approved the departments 111(d) plan for hospital and medical infection waste incinerators and compliance dates, based on this date of approval from EPA, the dates have been updated. Also included in the rulemaking is the adoption of an EPA approved method for a drift calibration procedure in continuous opacity monitors.

This rulemaking also adds a new exemption from construction permitting for specific equipment at educational institutions. It also proposes that industry maintain a record on site for certain types of emission units falling under a construction permit exemption.

This rulemaking proposes that the number of copies of information for Title V permitting, specifically the emission inventories and the paperwork associated with the fee submittal, be reduced. It also proposes a requirement to notify the department of a change in ownership of equipment covered by a construction permit.

The Notice of Intended Action was published as IAB Vol. XXII No. 25 (6/14/2000) p. 1806, ARC 9885A. An information meeting was held on June 15, 2000, and a public hearing was held on July 20, 2000, at the Air Quality Bureau in Urbandale. Oral and written comments were provided by thirteen organizations.

The proposed amendment included in the Notice of Intended Action to 567 IAC 22.1(3), proposing to add a construction permit for emission points emitting less than 1.0 lb/hr of a pollutant has been removed and the existing exemption from construction permitting for these sources has been retained. In addition, a proposed new exemption for emergency vents, Item 3 of the Notice of Intended Action, has also been removed. The Department has removed these items to re-evaluate the construction permit exemptions.

The amendment to 567 IAC 23.2(3) proposing to ban open burning of tree trimmings, landscape waste, residential waste and certain agricultural product containers where a local recycling program has a collection program for these materials was removed from this rulemaking. The Department has decided to start another Notice of Intended Action due to significant changes to the open burning rule previously Noticed.

Amendments to 567 IAC 24.1 pertaining to the policy on excess emissions have also been removed. The Department has removed this item until the US Environmental Protection Agency resolves particular issues with the federal excess emissions policy.

ENVIRONMENTAL PROTECTION COMMISSION [567]**Adopted and Filed**

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby amends Chapter 22, "Controlling Pollution," Chapter 23, "Emission Standards for Contaminants," and Chapter 25, "Measurement of Emissions," Iowa Administrative Code.

The Notice of Intended Action was published as IAB Vol. XXII No. 25 (6/14/2000) p. 1806, ARC 9885A. An information meeting was held on June 15, 2000, and a public hearing was held on July 20, 2000, at the Air Quality Bureau in Urbandale. Oral and/or written comments were provided by thirteen organizations.

The amendment to 567 IAC 23.1(3) proposing to add a construction permit for emission points emitting less than 1.0 lb/hr of a pollutant has been removed. The department has removed this item to re-evaluate the construction permit exemptions.

The amendment to 567 IAC 23.2(3) proposing to ban open burning of tree trimmings, landscape waste, residential waste and certain agricultural product containers where a local recycling program has a collection program for these materials was removed from this rulemaking. The department has decided to start another Notice of Intended Action due to significant changes to the open burning ban rule previously Noticed.

Amendments to 567 IAC 24.1 pertaining to the policy on excess emissions have also been removed. The department has removed this item until the US Environmental Protection Agency resolves particular issues with the federal excess emissions policy. Other changes are noted below.

Item 1 incorporates a notification to the department upon request for certain types of emission units falling under a construction permit exemption. This record keeping process will ensure that the department has access to information on equipment for which certain exemptions are being claimed. Information required to be submitted to the department for exemptions under 22.1(2)"i" and "g" has been incorporated into the introductory paragraph.

Item 2 amends paragraph "g" to reflect the record-keeping amendments made in Item 1. The revision is for administrative purposes only.

Item 3 amends paragraph "i" to reflect the record-keeping amendments made in Item 1. This revision is for administrative purposes only.

Item 4 is a new construction permit exemption that is specific to emissions from specified equipment at educational institutions. These sources are anticipated to have minimal emissions.

Item 5 corrects an internal rule citation and changes the reference to one which pertains to the calculation of emission limits based on stack height.

Item 6 adds a new subrule that requires the department to be notified when the ownership of equipment covered by a construction permit changes. This proposal will require facilities to keep the department informed of who owns equipment covered by a construction permit.

Item 7 corrects the date of the latest revision of Appendix W to 40 FR Part 51. Also in the same subrule, the reference to 40 CFR 52.21(1) should read 40 CFR 52.21(l), replacing the number 1 for the letter "l"

Item 8 deletes a referenced date that implies that there is a level established by the EPA administrator that has defined the level of radionuclides for major source status. The federal regulations reserve the right of the administrator to set these levels, but at this time no levels have been established by the Environmental Protection Agency.

Item 9 clarifies the deadline for submitting annual Title V fees to the Department of Natural Resources. The existing wording requires payment to be made on July 1 of each year. The revised wording allows for payment to be made on or before July 1 of each year.

Item 10 reduces the number of copies of different forms that must be submitted with the annual emissions fee. These fees only apply to Title V facilities.

Item 11 reduces the number of copies of each form required to be submitted with the annual emissions inventory. Instead of the required four copies, only two will now be required except for emissions in Polk or Linn County which will require three copies.

Items 12 through 15 update references to 40 CFR Part 63. Item 12 identifies provisions of the three new national emission standards for hazardous air pollutants (NESHAPS) that are not delegated to the department which are proposed for adoption by reference in this rule. Items 13 through 15 pertain to the promulgation of three new NESHAPS for hazardous waste combustors at waste incinerators, cement kilns, and at lightweight aggregate kilns, amino/phenolic resin production units, and publicly owned treatment works, respectively.

Items 16 through 18 update the emission guidelines for hospital/medical infectious waste incinerators (Part 63, Subpart Ce) by incorporating compliance dates. Compliance dates were based on the date the department's implementation plan was approved by EPA. The department's 111(d) plan was approved August 16, 1999.

Item 19 corrects a gap in the regulations from a previous rule making. A revised general particulate emission rate became effective as of July 21, 1999. The regulations did not cover sources which were constructed, modified or reconstructed on July 21, 1999. The proposed rules clarify that the new general particulate emission rate applies to sources constructed after as well as on July 21, 1999, the effective date of the regulations. This item also includes the abbreviation, dscf, for the term "dry standard cubic feet."

Item 20 incorporates procedures approved by EPA to calculate calibration drift in continuous opacity monitors in accordance with 40 CFR Part 60 Appendix B, Performance Specification 1 into "Iowa Compliance Sampling Manual." This procedure would apply only to boilers covered under 567—subrule 25.1(1). This item also clarifies the references to the appendices in the subrule and identifies where they may be found.

These amendments were approved during the January 16, 2001, meeting of the Environmental Protection Commission.

These amendments shall become effective on March 14, 2001.

These amendments are intended to implement Iowa Code section 455B.133.

The following amendments are adopted.

ITEM 1. Amend subrule 22.1(2), introductory paragraph, by adding the following new unnumbered paragraphs:

Records shall be kept at the facility for which the following exemptions have been claimed: 22.1(2)"a" (for equipment > 1.0 MMBTU/hour), 22.1(2)"b," 22.1(2)"e," 22.1(2)"r" or 22.1(2)"s." The records shall contain the following information: the specific exemption claimed and a description of the associated equipment. These records shall be made available to the department upon request.

(Applicable to 22.1(2)"g" and "i"). A facility claiming to be exempt under the provisions of paragraph "g" or "i" shall provide the information listed below to the department. If the exemption is claimed for a source not yet constructed or modified, the information shall be provided to the department at least 30 days in advance of the beginning of construction on the project. If the exemption is claimed for a source that has already been constructed or modified and that does not have a construction permit for that construction or modification, the information listed below shall be provided to the department within 60 days of March 20, 1996. After that date, if the exemption is claimed by a source that has already been constructed or modified and that does not have a construction permit for that construction or modification, the source shall not operate until the information listed below is provided to the department:

- A detailed emissions estimate of the actual and potential emissions, specifically noting increases or decreases, for the project for all regulated pollutants (as defined in 22.100(455B)), accompanied by documentation of the basis for the emissions estimate;
- A detailed description of each change being made;
- The name and location of the facility;
- The height of the emission point or stack and the height of the highest building within 50 feet;
- The date for beginning actual construction and the date that operation will begin after the changes are made;
- A statement that the provisions of rules 22.4(455B) and 22.5(455B) do not apply; and,
- A statement that the accumulated emissions increases associated with each change under paragraph 22.1(2)"i," when totaled with other net emissions increases at the facility contemporaneous with the proposed change (occurring within five years before construction on the particular change commences) have not exceeded significant levels as defined in 40 CFR 52.21(b)(23) as amended through March 12, 1996, and adopted in rule 22.4(455B), and will not prevent the attainment or maintenance of the ambient air quality standards specified in 567—Chapter 28. This statement shall be accompanied by documentation for the basis of these statements.

The written statement shall contain certification by a responsible official as defined in rule 22.100(455B) of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

ITEM 2. Amend subrule 22.1(2), paragraph "g," as follows:

g. Equipment or control equipment which reduces or eliminates all emission to the atmosphere. If a source wishes to obtain credit for reductions under the prevention of significant deterioration requirements, it must apply for a permit for the reduction prior to the time the reduction is made. If a construction permit has been previously issued for the equipment or control equipment, the conditions of the construction permit remain in effect. ~~In order to use this exemption, the facility must comply with paragraph "s" below.~~

ITEM 3. Amend subrule 22.1(2), paragraph "i" as follows:

i. Construction, modification or alteration to equipment which will not result in a net emissions increase (as defined in 22.5(1)"f") of more than 1.0 lb/hr of any regulated air pollutant (as defined in 22.100(455B)). Emission reduction achieved through the installation of control equipment, for which a construction permit has not been obtained, does not establish a limit to potential emissions. Pollutants covered under the provisions of Section 112(g) of the Clean Air Act are not included in this exemption except for those listed in Table 1. Further, the net emissions rate INCREASE must not equal or exceed the values listed in Table 1.

Table 1

Pollutant Ton/year

Lead 0.6

Asbestos 0.007

Beryllium 0.0004

Vinyl Chloride 1

Fluorides 3

This exemption is ONLY applicable to vertical discharges with the exhaust stack height 10 or more feet above the highest building within 50 feet. If a construction permit has been previously issued for the equipment or control equipment, the conditions of the construction permit remain in effect. In order to use this exemption, the facility must comply with the information submission to the department as described above paragraph "s" below.

The department reserves the right to require proof that the expected emissions from the source which is being exempted from the air quality construction permit requirement, in conjunction with all other emissions, will not prevent the attainment or maintenance of the ambient air quality standards specified in 567-Chapter 28. If the department finds, at any time after a change has been made pursuant to this exemption, evidence of violations of any of the department's rules, the department may require the source to submit to the department sufficient information to determine whether enforcement action should be taken. This information may include, but is not limited to, any information that would have been submitted in an application for a construction permit for any changes made by the source under this exemption, and air quality dispersion modeling.

ITEM 4. Amend subrule 22.1(2) by rescinding paragraph "s" and adopting the following new paragraph "s" in lieu thereof:

s. Equipment that is not related to the production of goods or services and used exclusively for academic purposes located at educational institutions (as defined in 455B.161 of the Iowa Code). The equipment covered under this exemption is limited to: lab hoods, art class equipment, wood shop equipment in classrooms, wood fired pottery kilns, and fuel-burning units with a capacity of less than one million BTU per hour fuel capacity. This exemption does not apply to incinerators.

ITEM 5. Amend subrule 22.3(1), paragraph "c," as follows:

c. That the applicant has not relied on emission limits based on stack height that exceeds good engineering practice or any other dispersion techniques as defined in 567—subrule ~~23.1(4)~~ 23.1(6), and

ITEM 6. Amend 567—22.3(455B) by adopting the following new subrule:

22.3(8) Ownership change of permitted equipment. The new owner shall notify the department in writing no later than 30 days after the change in ownership of equipment covered by a construction permit pursuant to 567—22.1(455B). The notification to the department shall include the following information:

a. The date of ownership change;

b. The name, address and telephone number of the responsible official, contact person and the owner of the equipment both before and after ownership change; and

c. The construction permit number of the equipment changing ownership.

ITEM 7. Amend subrule 22.4(1) as follows:

22.4(1) Federal rules 40 CFR 52.21(a) (Plan Disapproval), 52.21(q) (Public Participation), 52.21(s) (Environmental Impact Statement), and 52.21(u) (Delegation of Authority) are not adopted by reference. Also, for the purposes of 40 CFR ~~52.21(1)~~ 52.21(l), the department adopts by reference Appendix W to 40 CFR 51, Guideline on Air Quality Models (Revised), as adopted ~~March~~ August 12, 1996.

ITEM 8. Amend 567—22.100(455B), definition of "major source," numbered paragraph "2," as follows:

2. A major source of hazardous air pollutants according to Section 112 of the Act as follows:

For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tpy or more of any hazardous air pollutant which has been listed pursuant to Section 112(b) of the Act and these rules or 25 tpy or more of any combination of such hazardous air pollutants. Notwithstanding the previous sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emission from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such

units are in a contiguous area or under common control, to determine whether such units or stations are major sources.

For Title V purposes, all fugitive emissions of hazardous air pollutants are to be considered in determining whether a stationary source is a major source.

For radionuclides, "major source" shall have the meaning specified by the administrator by rule ~~as of January 18, 1994.~~

ITEM 9. Amend subrule 22.106(1) as follows:

22.106(1) Fee established. Any person required to obtain a Title V permit shall pay an annual fee based on the total tons of actual emission of each regulated air pollutant, beginning November 15, 1994. Beginning July 1, 1996, Title V operating permit fees will be paid on or before July 1 of each year. The fee shall be based on actual emissions required to be included in the Title V operating permit application and the annual emissions statement for the previous calendar year. The department and the commission will review the fee structure on an annual basis and adjust the fee as necessary to cover all reasonable costs required to develop and administer the programs required by the Act. The department shall submit the proposed budget for the following fiscal year to the commission no later than the March meeting. The commission shall set the fee based on the reasonable cost to run the program and the proposed budget no later than the May commission meeting of each year. The commission shall provide an opportunity for public comment prior to setting the fee. The commission shall not set the fee higher than \$29 per ton without adopting the change pursuant to formal rule making.

ITEM 10. Amend subrule 22.106(3), paragraph "a," introductory paragraph, as follows:

a. The fee shall be submitted annually by July 1. For emissions located in Polk or Linn County, the fee shall be submitted with three copies of the following forms. For emissions in all remaining counties, the fee shall be submitted with four two copies of the following forms:

ITEM 11. Amend subrule 22.106(3), paragraph "b," introductory paragraph, as follows:

b. For emissions located in Polk or Linn County, three ~~Four~~ copies of the following forms shall be submitted annually by March 31 documenting actual emissions for the previous calendar year: For emissions in all other counties, two copies of the following forms shall be submitted.

ITEM 12. Amend subrule 23.1(4), introductory paragraph, as follows:

23.1(4) Emission standards for hazardous air pollutants for source categories. The federal standards for emissions of hazardous air pollutants for source categories, 40 Code of Federal Regulations Part 63 as amended through ~~June 29, 1999~~ January 20, 2000, are adopted by reference, except ~~40 CFR §§63.6(g) and (h)(9), 63.7(e)(2)(i), 63.7(e)(2)(ii) and (f), 63.8(f), 63.10(f), 63.12, 63.14, 63.15, 63.40(a), 63.42(a) and (b), 63.43(c) and (f) to (m), 63.177, 63.560(b) and (c)(2) and (3), 63.562(c) and (d), 63.772, 63.777, 63.694, 63.996 to 63.999, 63.1022 to 63.1024, 63.1038, 63.1039, 63.1062, 63.1063(a) and (b), 63.1064 to 63.1066, 63.1157, 63.1158, 63.1161(d)(1), 63.1162(a)(2) to (5), 63.1162(b)(1) to (3), 63.1165, 63.1282, and 63.1287, 63.1403 to 63.1410, and 63.1414 to 63.1417, and shall apply to the following affected facilities: those provisions which cannot be delegated to the states.~~ The corresponding 40 CFR Part 63 Subpart designation is in parentheses. 40 CFR Part 63 Subpart B incorporates the requirements of Clean Air Act Sections 112(g) and 112(j) and does not adopt standards for a specific affected facility. Test methods (Appendix A), sources defined for early reduction provisions (Appendix B), and determination of the fraction biodegraded (F_{bio}) in the biological treatment unit (Appendix C) of Part 63 also apply to the affected activities or facilities. For the purpose of this subrule, "hazardous air pollutant" has the same meaning found in 567— 22.100(455B). For the purposes of this subrule, a "major source" means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless a lesser quantity is established, or in the case of radionuclides, where different criteria are employed. For the purposes of this subrule, an "area source" means any stationary source of hazardous air pollutants that is not a major stationary source as defined in this paragraph. Paragraph 23.1(4)"a," general provisions (Subpart A) of Part 63, shall apply to owners or operators who are subject to subsequent subparts of 40 CFR 63 (except when otherwise specified in a particular subpart or in a relevant standard) as adopted by reference below.

ITEM 13. Amend subrule 23.1(4) by adopting the following new paragraph "be":

be. Emission standards for hazardous air pollutants from hazardous waste combustors. These standards apply to all hazardous waste combustors: hazardous waste incinerators, hazardous waste burning cement kilns, and hazardous waste burning lightweight aggregate kilns, except as provided in the rule. Both area sources and major sources are subject to this subpart as of April 19, 1996, and are subject to the requirement to apply for and obtain a Title V permit. (Part 63, Subpart EEE)

ITEM 14. Amend subrule 23.1(4) by adopting the following new paragraph "bo":

bo. Emission standards for hazardous air pollutants for amino/phenolic resins production. These standards apply to new or existing facilities that own or operate an amino or phenolic resins production unit. (Part 63, Subpart OOO)

ITEM 15. Amend subrule 23.1(4) by adopting the following new paragraph "bv":

bv. Emission standards for hazardous air pollutants publicly owned treatment works (POTW). (Part 63, Subpart VVV)

ITEM 16. Amend subrule 23.1(5), paragraph "b," subparagraphs (4), (5) and (6), as follows:

(4) Operator training and qualification requirements. Designated facilities shall meet the requirements for operator training and qualification listed in 40 CFR §60.53c by August 16, 2000 (which is ~~within~~ one year from EPA's approval of the state's 111(d) plan for HMIWI).

(5) Waste management requirements. Designated facilities shall meet the requirements for a waste management plan listed in 40 CFR §60.55c by June 16, 2002 (which is ~~within~~ 34 months from EPA's approval of the state's 111(d) plan for HMIWI).

(6) Inspection requirements. Each remote HMIWI subject to the emission limits under numbered paragraph "2" of subparagraph 23.1(5)"b"(3) must conduct an initial equipment inspection by August 16, 2000 (which is ~~within~~ one year from EPA's approval of the state's 111(d) plan for HMIWI), and perform equipment inspections annually, no more than 12 months after the previous inspection. The facility must complete all necessary repairs within ten operating days following an inspection. If the repairs cannot be accomplished within this period, then the owner or operator must obtain written approval from the department requesting an extension. All inspections shall include the following:

1. through 17. No change.

ITEM 17. Amend subrule 23.1(5), paragraph "b," subparagraph (12), as follows:

(12) Compliance times for designated facilities planning to retrofit. Designated facilities planning to retrofit existing HMIWI shall comply with the emission limits specified in subparagraph 23.1(5)"b"(3) by August 16, 2002 (which is ~~within~~ three years from EPA's approval of the state's 111(d) plan for HMIWI), but not later than September 16, 2002. To ensure compliance, these facilities must also comply with the following increments of progress:

1. Submit construction permit application to the department, as required by rule 567— 22.1(455B), to outline the addition of control equipment and the modification of existing processes by August 16, 2000 (which is ~~within~~ one year from EPA's approval of the state's 111(d) plan for HMIWI);

2. Award contracts for control systems or process modifications, or orders for purchase of components by February 16, 2001 (which is ~~within~~ 18 months from EPA's approval of the state's 111(d) plan for HMIWI);

3. Initiate on-site construction or installation of the air pollution control device(s) or process changes by August 16, 2001 (which is ~~within~~ two years from EPA's approval of the state's 111(d) plan for HMIWI);

4. Complete on-site construction or installation of air pollution control device(s) or process changes by May 16, 2002 (which is ~~within~~ 33 months from EPA's approval of the state's 111(d) plan for HMIWI); and

5. Complete initial compliance test(s) on the air pollution control equipment by June 16, 2002 (which is ~~within~~ 34 months from EPA's approval of the state's 111(d) plan for HMIWI).

ITEM 18. Amend subrule 23.1(5), paragraph "b," subparagraph (13), as follows:

(13) Compliance times for designated facilities planning to shut down. Designated facilities planning to shut down an existing HMIWI shall shut down by August 16, 2000 (which is ~~within~~ one year from EPA's approval of the state's 111(d) plan for HMIWI). Designated facilities may request an extension from the department to operate the HMIWI for up to two additional years. The request for extension must be submitted to the department by May 16, 2000 (which is ~~within~~ nine months from EPA's approval of the state's 111(d) plan for HMIWI) and include the following:

1. Documentation to support the need for the requested extension;

2. An evaluation of the option to transport the waste off site to a commercial medical waste treatment and disposal facility on a temporary or permanent basis; and

3. A plan that documents measurable and enforceable incremental steps of progress to be taken toward compliance with paragraph 23.1(5)"b," including final compliance date which can be no later than September 16, 2002.

ITEM 19. Amend subrule 23.3(2), paragraph "a," subparagraph (1), as follows:

(1) For sources constructed, modified or reconstructed on or after July 21, 1999, the emission of particulate matter from any process shall not exceed an emission standard of 0.1 grain per dry standard cubic foot (dscf) of exhaust gas, except as provided in 567—21.2(455B), 23.1(455B), 23.4(455B), and 567—Chapter 24.

ITEM 20. Amend subrule 25.1(9) as follows:

25.1(9) Methods and procedures. Stack sampling and associated analytical methods used to evaluate compliance with emission limitations of 567—Chapter 23 or a permit condition are those specified in the "Compliance Sampling Manual*" adopted by the commission on May 19, 1977, as revised through ~~January 1, 1995~~ March 14, 2001. Sampling methods, analytical determinations, minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are those found in Appendices A (as amended through March 12, 1996), B (as amended through December 15, 1994) and F (as amended through February 11, 1991) of 40 CFR Part 60, and 40-CFR-75, Appendices A (as amended through May 22, 1996), B (as amended through May 17, 1995), and H (as amended through July 30, 1993) of 40 CFR Part 75.

(A copy of the responsiveness study is available at the Departments record center.)

Mike Valde said the banning of open burning of recyclable materials and yard waste has been pulled from this rule making. He explained the rule changes.

Brief discussion followed.

Motion was made by James Braun to approve the rule. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

BOTTLE BILL RESOLUTION CONTINUED

Motion was made by James Braun to remove Bottle Bill Resolution from the table. Seconded by Rozanne King. Motion carried unanimously.

REMOVED FROM TABLE

Brief discussion followed regarding the wording of the resolution.

Motion was made by Rozanne King to approve the resolution as amended. Seconded by James Braun. Motion Carried unanimously.

APPROVED AS AMENDED

REFERRALS TO THE ATTORNEY GENERAL CONTINUED

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- b. Augustus and Betty Lartius Boone) – water quality

Mike Murphy said the Department is asking that Item 12b be tabled for 30 days due to the possibility of another administrative order.

Motion was made by Lisa Davis Cook to table the referral for 30 day. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED CONTESTED CASE DECISION – LOYAL RUE, ET AL

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On July 27, 2000, the department issued Flood Plain Development Permit Number FP 00-148 to Wal-Mart Stores, Inc.. That action authorized the relocation of a stream, excavation of detention basins, placement of riprap and fill, and construction of a building and parking lot on the flood plain of the Upper Iowa River. That action was appealed by Loyal Rue and others, and Frank Holland, and the matter proceeded to administrative hearing on October 20, 2000. The Administrative Law Judge issued the attached Proposed Decision on December 12, 2000. The decision affirms the issuance of the permit..

Any party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mike Murphy said this item was being brought before the Commission as an informational item but it is the Commission's option to move to review the decision. He reviewed the history of the case.

The Commission chose to take no action.

AGRICHEMICAL SITE REMEDIATION BOARD, UPDATE ON RULEMAKING FOR THE CLASSIFICATION AND PRIORITIZATION OF SITES CONTAMINATED WITH PESTICIDES OR FERTILIZERS

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Agrichemical Remediation Board, (ARB), consists of seven members that shall serve three-year terms:

Representing the Office of the Secretary of Agriculture	Jim Ellerhoff
Representing the Office of the Director of the DNR	Susan Dixon
Representing Pesticide Registrants	David Flakne
Representing Fertilizer Manufacturers	R. Hovey Tinsman III, Chairperson
Representing Retailers	Julie Bell
Representing Distributors	Maury Hyde
Representing Farmers	Vacant

The board has met twice. At the last meeting the Board reviewed six proposals that Department of Agriculture staff had received to assist the Board in the development of administrative rules to implement Chapter 161. Mr. Charles Rock, President, RIM Consulting, was selected on the basis that his proposal was the best combination of value and rule making. Mr. Rock has over 18 years of experience as the Manager and Director of State Government Affairs for Novartis Crop Protection. He stated that the project would cost \$ 12,200 and he could have a draft version of the rules to the Board by December 10, 2000. **A copy of that draft administrative rule is attached.** Contaminated Sites Section technical staff will be reviewing the draft rule to determine if there are any inconsistencies with soil and groundwater standards in IAC Chapter 137 or action levels in IAC Chapter 133.

The Act made some modifications to 455B.601 which does state that the Environmental Protection Commission (EPC) shall adopt rules..."to establish criteria for the classification and prioritization of sites" This is the area where the EPC has concurrent rulemaking authority. The EPC has had this authority for classification and prioritization for several years but no rule making activity has been undertaken.

The Waste Management Assistance Division will continue to update you on the rule making progress of the ARB. If you have further questions regarding the activity of the ARB you may contact Susan Dixon, Chief, Land Quality Bureau, at 515-242-6346 or susan.dixon@dnr.state.ia.us (A copy of the draft administrative rule is available in the Department's record center.)

Liz Christiansen said this item was a follow up to the information the Commission received at the November meeting regarding the Agrichemical Site Remediation Board. She said Susan Dixon, Bureau Chief, Land Quality Bureau, is a member of that board and would be giving the Commission an update on the activities of the board and speak about the differences between the proposed and existing programs.

Susan Dixon said the Department of Agriculture has gone ahead with their rulemaking for prioritizing agchem sites. Their intent is to go to the legislature this year to get funding. She

distributed a copy of code 455b.601 that includes the changes made by the agchem remediation bill. In this code it says the Commission shall adopt rules to establish criteria for the classification and prioritization of sites upon which contamination has been discovered. She said the Commission should note that the statute says if a site enrolls in the Department of Agriculture program it exempts them from any rules the Commission might write in regard to that site.

Brief discussion followed.

INFORMATION ONLY

MONTHLY REPORTS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commissions information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes

**IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
January 1, 2001**

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	ARC #	RULES REVIEW COMMITTEE	HEARING	COMMENT PERIOD	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	ARC #	RULES REVIEW COMMITTEE	RULES EFFECTIVE
1. Ch. 22 – Air Quality Rules – Assurance Monitoring	*2/19/01	*3/21/01		*4/09/01			*5/21/01	*5/21/01	*6/13/01		*7/10/01	*7/18/01
2. Ch. 22 – 25 – Air Quality Program Rules	5/15/00	6/14/00	9985A	7/11/00	7/20/00	7/28/00	1/16/01	*1/16/01	*2/07/01		*3/06/01	*3/14/01
3. Ch. 60, 64 – Wastewater Construction and Operation Permits	*2/19/01	*3/21/01		*4/09/01			*5/21/01	*5/21/01	*6/13/01		*7/10/01	*7/18/01
4. Ch. 61 – WQ Standards	1-16-01	*2/07/01		*3/06/01			*4/16/01	*4/16/01	*5/16/01		*6/05/01	*6/20/01
5. Ch. 64 – Wastewater Construction and Operation Permits	7/17/00	8/09/00	0052B	9/12/00	9/01/00	9/01/00	*2/19/01	*2/19/01	*3/19/01		*4/09/01	*4/22/01
6. Ch. 65 – Animal Feeding Operations	10/16/00	11/15/00	0278B	12/12/00	12/12-13 12/18-20	12/20/00	*2/19/01	*2/19/001	*3/19/01		*4/09/01	*4/22/01
7. Ch. 65 – Animal Feeding Operations/Manure Applicator Certification/Freeboard	*2/19/01	*3/21/01		*4/09/01			*5/21/01	*5/21/01	*6/13/01		*7/10/01	*7/18/01
8. Ch. 93 – On-Site Wastewater Treatment State Revolving Fund	6/19/00	9/20/00	0136B	10/09/00	10/11-13, 17-19/00	10/24/00	*2/19/01	*2/19/01	*3/19/01		*4/09/01	*4/22/01
9. Ch. 101 – Solid Waste Comprehensive Planning	10/16/00	11/15/00	0279B	12/12/00	12/08/00	12/08/00	*2/19/01	*2/19/01	*3/19/01		*4/09/01	*4/22/01
10. Ch. 111 – Financial Assurance Requirements for Municipal Solid Waste Landfills	11/20/00	12/27/00	0365B	1/14/01	1/16/01	1/16/01	*2/19/01	*2/19/01	*3/19/00		*4/09/01	*4/22/01
11. Ch. 135 – MTBE Sampling	9/18/00	10/18/00	0217B	11/14/00		11/07/00	1/16/01	*1/16/01	*2/07/01		*3/06/01	*3/14/01

Monthly Variance Report January, 2001

Item No.	Facility	Program	Engineer	Subject	Decision	Date
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1	ADM Corn Processing-Clinton	Air Quality		Fuel Test	Approved	12/07/00
2	Federal-Mogul Corporation-Burlington	Air Quality		Permit Requirements	Approved	12/12/00
3	J.M. Huber Corporation-Webster County	Air Quality		Permit Requirements	Approved	12/13/00
4	Orchard Heights Subdivision-Swisher	Watersupply Construction	MMS Consultants, Inc.	Construction Materials	Approved	12/08/00

During the period December 1, 2000, through December 31, 2000, 39 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month Incidents	Total chemical	Substance			Transport	Fixed	Pipeline	Railroad	Mode	
		Agri-Products	Petroleum Chemicals	Other Facility					Fire	Other
October	60 (62)	3 (6)	42 (48)	14 (5)	22 (32)	32 (23)	0 (1)	1 (2)	1 (0)	4 (4)
November	57 (64)	4 (10)	39 (38)	14 (15)	19 (26)	32 (30)	0 (1)	4 (3)	1 (1)	1 (3)
December	39 (67)	0 (10)	24 (40)	15 (17)	9 (23)	28 (34)	0 (1)	0 (4)	0 (0)	2 (5)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	156 (193)	7 (26)	105 (126)	43 (37)	50 (81)	92 (87)	0 (3)	5 (9)	2 (1)	7 (12)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1 2 3 4 5 6

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10 4 9 3 8 5

During the period December 1, 2000, through December 31, 2000, 2 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents Impacts	Feedlot Application	Confinement Water	Land	Transport	Hog	Cattle	Fowl	Other	Surface
October	5 (6)	0 (0)	2 (3)	2 (2)	1 (1)	4 (6)	1 (0)	0 (0)	0 (0)	1 (2)
November	3 (4)	0 (0)	2 (2)	1 (1)	0 (1)	3 (3)	0 (1)	0 (0)	0 (0)	1 (0)
December	2 (2)	0 (0)	1 (1)	1 (1)	0 (0)	2 (1)	0 (1)	0 (0)	0 (0)	0 (0)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	10 (12)	0 (0)	5 (6)	4 (4)	0 (0)	9 (10)	1 (2)	0 (0)	0 (0)	2 (2)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
0	0	1	1	0	0

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Dennis Plage d/b/a Plagge's Custom Manure aka Plagge's Pumping, Denison (4)	Animal Feeding Operation	Prohibited Discharge – Confinement	Order/Penalty \$200	12/01/00
Agvantage FS, Inc., New Hampton (1)	Drinking Water	MCL – Bacteria	Order	12/01/00
Sapp Development, LLC; Todd Sapp, Sioux City (3)	Wastewater	Stormwater – Operation Without Permit	Order/Penalty \$1,500	12/01/00
Winter, Inc.; Julius Winter, Iowa falls (2)	Air Quality Solid Waste	Fugitive Dust; Illegal Disposal	Order/Penalty \$500	12/08/00
Leroy Iron and Metal, Inc., Howard Co. (1)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$3,000	12/08/00
North Central FS, Inc., Franklin Co. (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$3,000	12/08/00
Swine Graphics Enterprises, L.P., Clarke Co. (5)	Wastewater Flood Plain Water Rights	Stormwater – Operation Without Permit; Pollution Prevention Plan Violations; Construction Without Permit; Operation Without Permit	Order/Penalty \$10,000	12/08/00
Fred Konfrst d/b/a Fred's Trash	Air Quality	Open Burning;	Order/Penalty	12/08/00

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Service, Mills Co. (4)	Solid Waste	Illegal Disposal	\$5,000	
John Deere Waterloo Works – DDS, Waterloo (1)	Air Quality	Construction Without Permit	Amended Order	12/08/00
R & K Smith Farms, L.L.C., Hardin Co. (2)	Wastewater Hazardous Condition	Prohibited Discharge; Water Quality Violations – General Criteria; Failure to Notify	Order/Penalty \$2,000	12/26/00
Neal Anthony d/b/a Anthony's Trucking, LeMars (3)	Animal Feeding Operation	Failure to Report a Release	Order/Penalty \$3,000	12/26/00
Bettendorf, City of (6)	Wastewater	Monitoring/Reporting	Consent Amendment	12/26/00
Muscatine Power and Water, Muscatine (6)	Air Quality	Construction Without Permit; Monitoring/Reporting	Order/Penalty \$7,000	12/26/00
CMT Enterprise, Red Oak (6)	Air Quality	Asbestos	Consent Amendment	12/26/00
Tony Jacobi Chelsea (5)	Underground Tank	Site Assessment	Order	12/29/00
Alice Hillhouse; Hillhouse Real Estate Corp., Denison (4)	Underground Tank	Site Assessment	Order/Penalty \$3,000	12/29/00
Michael Bauer, Davenport (6)	Underground Tank	Site Assessment	Order/Penalty \$5,100	12/29/00
Omaha Cold Storage Terminals, Inc., Fort Dodge (2)	Wastewater	Prohibited Discharge; Construction Without Permit	Amended Order	12/29/00
Country Stores of Carroll, Ltd., Carroll (2)	Underground Tank	Construction Deficiencies	Order/Penalty \$4,700	11/15/00
Ron Vincent, Ft. Dodge (2)	Wastewater	Operation Without Permit	Order/Penalty \$300	11/15/00
LeRoy Dammann; Richard Schmidt d/b/a R & C Enterprises; Manning Betterment Foundation, Manning (4)	Air Quality	Construction Without Permit; Asbestos	Consent Amendment	11/29/00
Envirobest, Inc., Cedar Rapids (1)	Air Quality	Asbestos	Consent Amendment	11/29/00
Hermitage Homes, Inc., Bettendorf (6)	Wastewater	Stormwater – Pollution Prevention Plan	Order/Penalty \$5,000	11/29/00
Sheaffer Manufacturing Co. d/b/a Sheaffer Pen Corp., Ft. Madison (6)	Air Quality	Construction Without Permit	Order/Penalty \$2,000	11/29/00
Metro Wrecking, Inc. d/b/a Metro Wrecking and Excavating, Des Moines (5)	Air Quality	Asbestos	Order/Penalty \$1,500	11/29/00
Rohlin Construction Co., Inc., Estherville (3)	Air Quality	Construction Without Permit	Order/Penalty \$10,000	11/29/00
James Harter, Brighton (6)	Wastewater	Stormwater – Operation Without Permit	Referred to AG	11/20/00
Johnston, City of (5)	Wastewater	Prohibited Discharge; Discharge Limits	Order	11/29/00
Super 20 Mobile Home Park,	Drinking Water	Public Notice	Order/Penalty	11/29/00

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Dubuque (1)			\$500	
Hitter's Sports Park, Cedar Rapids (1)	Drinking Water	Monitoring/Reporting – Nitrate; Public Notice	Order/Penalty \$300	11/29/00
Independence Mobile Home Park, Independence (1)	Drinking Water	Monitoring/Reporting – Bacteria; MCL – Bacteria; Operational Violations; Permit Renewal Fees; Public Notice	Order/Penalty \$800	11/29/00
Mid River Marina, Swisher (6)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Permit Renewal Fees; Public Notice	Order/Penalty \$250	11/29/00

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Keith Owens and Howard Maurer (Wilton)	UT	3,100	1-01-96
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
* Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	8,830	6-05-97
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	4-28-98
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Leland DeWitt (Louisa Co.)	AQ/SW	3,000	11-21-98
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
* Home Asbestos & Lead Abatement Services (Johnston)	AQ	1,150	6-15-99
* Orrie's Supper Club, Inc. (Hudson)	WS	390	6-01-99
Charlie's Supper Club (Algona)	WS	100	7-01-99
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	7-26-99
Capitol Oil Co. (Oxford)	UT	6,560	10-09-99
* Randy Foth d/b/a Foth Lumber Co. (Livermore)	AQ	500	11-01-99
* Robert Simon (Dubuque Co.)	AQ/SW	1,900	11-01-99
* Hidden Valley Mobile Home Park (Washington)	WW	200	12-12-99
* Minifarm Acres, Inc. (Cedar Co.)	WS	375	1-29-99
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
10 th Hole Food & Spirits (Calamus)	WS	1,000	3-14-00
Jerry L. Roney (Huxley)	UT	2,000	3-25-00
D/S Land Company, L.C. d/b/a The Outer Edge (Mason City)	WS	300	4-25-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Weber Construction, Inc. (Cascade)	AQ	4,000	5-26-00
Steve Friesth (Webster Co.)	AQ/SW	4,000	6-05-00
The Barn (Sherrill)	WS	1,000	6-06-00
Country Hills Water Corporation (Peosta)	WS	500	6-12-00
Martin Marietta Materials, Inc. (Ames)	AQ	5,000	6-12-00
Don Casterline; Myron Casterline (Van Wert)	UT	2,000	6-14-00
* Scott Paulson (Forest City)	AQ/SW	250	7-01-00
Western Iowa Limestone, Inc. (Logan)	AQ	500	7-14-00
* Rimade, Inc. (Manning)	SW/WW	1,000	8-01-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Robert Watson (Griswold)	UT	1,700	9-03-00
Coralville Lake Terrace Assoc. (Johnson Co.)	WS	1,500	9-05-00
Kathy's Korner (Dewar)	WS	500	9-06-00
Larrabee, City of	WS	250	9-11-00
John Smith d/b/a Four-Corners Tap (Lockridge)	AQ/SW	1,000	9-24-00
# Rustad Farms, Inc. (Butler Co.)	AFO	3,000	10-06-00
Osterdock Store (Guttenberg)	WS	500	10-16-00
Mill Creek Highlands Development L.C.; Clinton Engineering Co., Inc. (Clinton Co.)	WW	10,000	10-16-00
* Steven Reimers (Schaller)	AQ/SW	780	11-01-00
Mt. Joy Mobile Home Park (Davenport)	WS	1,500	11-23-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
American Legion – Swisher Post #671 (Swisher)	WS	500	12-25-00
David Thompson (Hancock Co.)	AFO	250	12/25/00
David Thompson (Hancock Co.)	AQ/SW	250	12-25-00
Seven Ponds Park (Sperry)	WS	500	1-03-01
* R.V. Hopkins, Inc. (Davenport)	AQ	2,700	1-16-00
Ron Vincent (Fort Dodge)	WW	300	1-16-01

Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Country Air Mobile Court (Atkins)	WS	2,000	1-24-01
CMT Enterprise	AQ	1,000	1-25-01
Sheaffer Manufacturing Co., LLC (Ft. Madison)	AQ	2,000	1-30-01
Hermitage Homes, Inc. (Bettendorf)	WW	5,000	1-30-01
Rohlin Construction Co., Inc. (Estherville)	AQ	10,000	1-31-01
Hitter's Sports Park (Cedar Rapids)	WS	300	2-02-01
Mid River Marina (Swisher)	WS	250	2-03-01
Sapp Development LLC; Todd Sapp (Sioux City)	WW	1,500	2-06-01
Swine Graphics Enterprises, L.P. (Clarke Co.)	WW/FP/WR	10,000	2-12-01
North Central FS, Inc. (Franklin Co.)	AQ/SW	3,000	2-13-01
Winter, Inc.; Julius Winter (Iowa Falls)	AQ/SW	500	2-13-01
* Top of Iowa Cooperative (Hanlontown)	AQ	500	9-01-01
Independence Mobile Home Park (Independence)	WS	800	-----
Plum Enterprises; Clinton Graham (Polk Co.)	SW	1,000	-----
Deer Ridge Estates (Ottumwa)	WS	100	-----
Lawrence Korver d/b/a Korver Development (Orange City)	WW	5,000	-----
# Neal Anthony d/b/a Anthony's Trucking (LeMars)	AFO	3,000	-----
R & K Smith Farms, L.L.C. (Hardin Co.)	WW/HC	2,000	-----
Fred Konfrst d/b/a Fred's Trash Service (Mills Co.)	AQ/SW	5,000	-----
Muscatine Power & Water (Muscatine)	AQ	7,000	-----
Michael Bauer (Davenport)	UT	5,100	-----
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	-----
TOTAL		202,460	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
Tire-Tech Environmental Systems, Inc. (Muscatine)	SW/WW	2,500	
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
#Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Spillway Supper Club (Harpers Ferry)	WS	100	3-14-99
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	
Peter Orth f/d/b/a Strauss Bros. Conoco (Burlington)	UT	9,400	1-31-00
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000	7-01-00
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro	SW/WW	10,000	5-26-00

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(Warren Co.)			
* Lorene Logue; Lester Holmes; Todd Holmes (Lucas County)	AQ	4,350	10-15-00
James Harter (Fairfield)	WW	1,800	1-29-00
Winter Mobile Home Park (Chickasaw Co.)	WS	2,500	
TOTAL		150,704	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Frank Hulshizer (Benton Co.)	SW	500
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Titan Wheel International, Inc. (Walcott)	WW	10,000
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Leonard C. Page (Adams Co.)	SW	3,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Clarence, City of	WW	3,000
Dallas County Care Facility (Adel)	WW	2,500
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Cliff's Place, Inc. (Waverly)	WS	1,500
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Biovance Technologies, Inc. (Oskaloosa)	AQ	4,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	5,000
Sac City, City of	WW	4,000
Pathway Christian School (Kalona)	WS	500
Wiese Corporation (Perry)	AQ	5,000
West Liberty, City of	WW	5,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	10,000
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Lonnie King (Marion Co.)	AQ/SW	1,600
West Union Cooperative Co. (West Union)	WW	10,000
Country Terrace Mobile Home Court (Boone)	WW	5,000
Country Terrace Mobile Home Court (Boone)	WS	5,000
Dayton, City of	WW	10,000
# Peter Bockenstedt (Dubuque Co.)	AFO	3,000
# Dan Gotto (Dubuque Co.)	AFO	3,000
# Matthew Daly (Dubuque Co.)	AFO	3,000
Westside Park for Mobile Homes (Burlington)	WW	7,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Affordable Asbestos Removal, Inc.; Jeffery Intlekofer (Ft. Madison)	AQ	10,000
# Eugene P. Reed, Ltd. (Henry Co.)	AFO	1,500
Shine Bros. Inc. (Spencer)	AQ	10,000
Julie Rowe d/b/a Jewell's Food & Spirits (Troy Mills)	WS	1,000
Sac County Golf and Country Club (Wall Lake)	WS	3,000
# Robert Fisher (Hamilton Co.)	AFO	3,000
Michael Roberts (Page Co.)	AQ	1,500
Osceola, City of	WW	5,000
Rocky Knoll Mobile Home Park (Forest City)	WS	3,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Leonard Rayonds; Randy Schleusner (Hancock Co.)	AFO	3,000
Edward Degeus (Britt)	AQ	3,000
Aaron Berry (Pottawattamie Co.)	AQ/SW	1,500
Wendall Abkes (Butler Co.)	AQ/SW	3,000
Benefit Water District #2 (Boone Co.)	WS	2,500
Minsa Corporation (Red Oak)	WW	10,000

Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500
Bruening Rock Products, Inc. (Decorah)	WW	8,000
Minnesota Rubber Company (Mason City)	AQ	3,000
New Virginia Sanitary District (New Virginia)	WW	5,000
Meadowknolls Addition (Linn Co.)	WS	1,500
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000
Hawkeye Leisure Trailers, Limited (Humboldt)	AQ	2,000
Caraustar Paperboard Co. d/b/a Tama Paperboard (Tama)	AQ	1,000
LT Tap (Waucoma)	WS	500
Iowa State University Heating Plant (Ames)	AQ	1,000
Iowa Air National Guard - 185 th Fighter Wing (Sioux City)	AQ	1,000
Minnesota Mining and Manufacturing d/b/a 3M (Knoxville)	AQ	1,000
Winter Mobile Home Park (New Hampton)	WS	1,000
Martin Marietta Material, Inc. (Ames)	AQ	5,000
Alliant Energy Corp. d/b/a Alliant Transportation (Williams)	AQ	10,000
# Leo Pieper (Guthrie Co.)	AFO	2,500
Alta Vista Property Owners Assn. (Ames)	WS	500
Bettendorf, City of	WW	1,000
Quality Mat Co., Inc. (Waterloo)	AQ	8,500
Ajinomoto USA (Eddyville)	AQ	4,000
Featherlite, Inc. (Cresco)	AQ	8,000
Boondocks Truck Haven (Williams)	WS	2,750
Speltz Elevator Inc. (Worth Co.)	WW	3,000
Malvern, City of	WW	5,000
# Dan Witt (Clinton Co.)	AFO	3,000
Houghton, City of	SW	2,000
Shell Rock Products, Inc. (Milford)	AQ	10,000
Twin Anchors R.V. Resort, Inc. (Story Co.)	WW	5,000
Kiefer Built, Inc. (Kanawha)	AQ	10,000
AGP Grain Cooperative (Klemme)	AQ	5,000
# Thomas and Jane Kronlage (Coggon)	AFO	3,000
Kinderland, Inc. (Dubuque)	WS	1,500
Brecht Enterprises, Inc. (Iowa Co.)	AQ/SW	4,000
The Farmers Co-Operative Society d/b/a Wesley Coop	AQ	5,000
Casey's General Stores, Inc. (Waukee)	UT	3,800
Charles City, City of	WW	5,000
All-States Quality Foods, L.P. (Charles City)	WW	10,000
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000
Krajicek, Inc. d/b/a Krajicek Brothers (Harrison Co.)	AQ	10,000
Dodgen Industries d/b/a Cabinet Masters, Inc. (Humboldt)	AQ	6,000
Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
Duane Crees (Muscatine Co.)	AQ/SW	1,160
J.W. Ready Mix and Construction, Inc. (Ft. Dodge)	AQ	1,000
Curries Company (Mason City)	AQ	1,000
James Nizzi d/b/a Alice's Spaghettiland (Clive)	WS	3,000
Knox Corporation (Davenport)	UT	6,700
Primghar Advancement Corp.	AQ	10,000
McDonald Construction, Inc.; Dwight McDonald (Eldora)	WW	2,000
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
Primghar Fire Department; City of Primghar	AQ	4,000
Holian Asbestos Removal & Encapsulation (Charles City)	AQ	5,000
L & L Book Properties; Larry L. Book (Sioux City)	WW	8,000
Braddyville, City of	WW	3,500
Westbrooke Construction Co.; Speer and Lepic (Polk Co.)	WW	4,000
TOTAL		489,960

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
* Ben Haven Mobile Home Park (PAID IN FULL)	WS	50
Diamond Oil Company, Inc. (Des Moines)	UT	4,000
Roquette America, Inc. (Keokuk) STIPULATED PENALTY	WW	2,056
Metro Wrecking and Excavating, Inc. (Des Moines)	AQ	1,500
Envirobest, Inc. (Ft. Dodge)	AQ	2,000
LeRoy Dammann; Richard Schmidt d/b/a R & C Enterprises; Manning Betterment Foundation (Manning)	AQ/SW	3,500

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Riley Industrial Painting, Inc. (Burlington)	AQ	7,000
Rollin McAdams d/b/a McAdams Demolition Co. (Davenport)	AQ	1,500
* Steven Reimers (Schaller)	AQ/SW	215
Muscatine County Sanitary Landfill	SW	5,000
Gary Walker (Montgomery Co.)	AQ/SW	500
* R.V. Hopkins, Inc. (Davenport)	AQ	500
Leroy Iron and Metal, Inc. (Howard Co.)	AQ/SW	3,000
Super 20 Mobile Home Park (Dubuque)	WS	500
Monti-View Mobile Home Park (Monticello)	WS	50
# Dennis Plagge d/b/a Plagge's Custom Manure (Denison)	AFO	200
Roquette America, Inc. (Stipulated Penalty)	WW	2,056
TOTAL		33,677

The following SEP payments were made last month:

# Gary Frana (Winneshiek Co.)	AFO	500
Farmers Feed & Grain Co., Inc. (Riceville)	WW	3,000
Omaha Cold Storage Terminals, Inc. (Ft. Dodge)	WW	1,500

The \$7,000 penalty assessed to John Deere Waterloo Works - DDS (Waterloo) has been rescinded.

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Adrian, Dean Clinton Co. (6)	Animal Feeding Operation	Prohibited Discharge- Open Feedlot; Water Quality Violations- General Criteria	Referred to Attorney General	Referred Petition Filed Trial Date	3/15/99 9/13/99 2/26/01
Affordable Asbestos Removal, Inc.; Jeffrey Intelkofer Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/20/00 4/19/00
Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Without Permit	Order/Penalty	Referred Petition Filed Trial Date	5/29/96 6/05/98 12/20/00
Castenson, David; Kristi A. Castenson, Barbara June Cummins; Velma Castenson d/b/a B & D Farms Webster Co. (2)	Wastewater	DNR Defendant	Defense	Petition Filed Motion to Strike Answer Petitioner's Motion to Adjudicate Law Points State's Resistance	7/17/00 8/07/00 8/15/00 10/03/00 10/16/00
Enviro Safe Air, Inc. Sioux City (3)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	10/18/99 03/17/00
Harter, James Brighton (6)	Wastewater	Stormwater - Operation Without Permit	Order/Penalty	Referred	11/20/00
Hawkins, Ralene d/b/a R.J. Express Salvage and Demolition Burlington (6)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	4/17/00
Holmes, Lester; Todd Holmes Williamson (5) UPDATED	Air Quality	Open Burning	Order/Penalty	Referred Motion for Judgment Hearing Date	9/18/00 11/01/00 1/02/01
Holnam Incorporated Mason City (2)	Air Quality	Excess Emissions	Referred to Attorney General	Referred	3/15/99
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Indian Creek Corp. Jasper Co. (5)	Animal Feeding Operation	Failure to Retain; Freeboard Violations; Failure to Have Approved MMP	Referred to Attorney General	Referred Petition Filled	4/17/00 9/27/00
Iowa Millenium Investors, LLC Des Moines (5) UPDATED	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	10/18/99 8/01/00

						Entry of Default Motion for Default Judgment	11/20/00 11/30/00
Iowa Select Farms, L.P. Clarke Co. Sow Unit #20 Jernquist Nursery Clarke & Ringgold Co. (4)	Animal Feeding Operation	Prohibited Discharge; Failure to Retain	Referred to Attorney General	Referred			4/17/00
Larson, Daryl Jones Co. (1)	UPDATED Animal Feeding Operation	Freeboard Cleanup Costs	Referred to Attorney General	Referred Petition Filed Answer			5/17/99 11/02/00 12/07/00
Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1)	Solid Waste	Illegal Disposal	Order/Penalty	Referred			4/17/99
Lehigh Portland Cement Co. Mason City (2)	UPDATED Air Quality	Construction Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date			8/17/98 11/05/99 10/29/01
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction) Closed			2/17/92 12/21/92 10/11/94 10/02/00
Mills County Landfill Assn. & Remonot County Landfill Assn. Mills Co. (4)	Solid Waste	DNR Defendant	Defense	Petition Filed Answer Filed Petitioner's Motion for Summary Judgment State's Resistance Hearing Trial Date Summary Judgment Granted State's Notice of Appeal			11/05/99 11/29/99 6/15/00 7/19/00 8/17/00 10/23/00 10/23/00 11/29/00
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty	Referred			2/15/99
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Judgment			12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00
Organic Technologies; Tim Danley; Ken Renfrow Warren Co. (5)	Solid Wastewater	Compliance Schedule; Cover Violations; Discharge Limits; Operation Violations	Order/Penalty	Referred			7/17/00
Orth, Peter J. f/d/b/a Strauss Bros. Conoco Burlington (6)	Underground Tank	Site Assessment; Remedial Action	Order/Penalty	Referred Petition Filed			3/20/00 8/01/00
Phillips, Jeff; Phillips Recycling Story Co. (5)	Wastewater	Stormwater; Without Permit	Operation Order/Penalty	Referred Petition Filed			8/16/99 9/12/00
Sharkey, Dennis J., Sr. Dubuque Co. (1)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Admin. Penalty Paid (\$2,250)			7/17/00 11/13/00
Spillway Supper Club Harpers Ferry (1)	Drinking Water	Permit Renewal Fee	Order/Penalty	Referred			6/21/99
White, Robert Jeff White, Dave Dallas Center (5)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Dismissed Without Prejudice Petition Against Dave White Filed Answer Filed			4/20/98 2/05/99 9/24/99 11/15/99 12/06/99
Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Motion for Judgment Consent Decree (\$6,400/Admin.) Referred Petition Filed Defendant's Motion to Dismiss State's Resistance Denial of Defendant's Motion to			1/17/95 8/28/96 12/13/96 3/30/98 9/01/00 9/08/00 9/19/00 11/07/00

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Dismiss

Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Ida Grove (3)	Hazardous Condition	Site Access; Other	Referred to Attorney General	Referred Petition Filed Defendant's Motion to Dismiss State's Resistance State's Application for Temporary Injunction Hearing on Temporary Injunction Denial of Defendant's Motion to Dismiss Temporary Injunction Granted	6/19/00 9/01/00 9/08/00 9/19/00 10/13/00 10/24/00 11/07/00 11/07/00
Zook, Russell d/b/a Haskins Recycling Ainsworth (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed	5/17/99 9/12/00

11/03/89	Bridgestone/Firestone, Inc.	5	Site Registry	HC	Tack	Hearing continued pending negotiations. Settlement proposed 8/96. Status report requested from land quality bureau 12/1/99.
5/08/90	Texaco Inc./Chemplex Co. Site	6	Site Registry	HW	Tack	Settlement offer to be renewed 3/00.
5/14/90	Alter Trading Corp. (Council Bluffs)	4	Admin. Order	SW	Tack	Closure permit amendment #2 issued 4/26/00. Closure certification expected by end of 2000.
6/20/90	Des Moines, City of	5	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD regarding status-3/97. 12/28/99 – F.O. 5 letter to City regarding resolution of permit issues. 3/6/00 – F.O. 5 met with City concerning permit issues.
7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Tack	Hearing continued. Status report requested from land quality bureau on 12/1/99.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Tack	Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99.
9/25/91	Archer Daniels Midland	6	Admin. Order	SW	Tack	Closure permit issued 1/10/00. Closure to be completed by 9/1/01.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment.
11/16/92	Frank Hulshizer	1	Admin. Order/Penalty	SW	Tack	Settled. Abatement agreement signed 9/21/99. Penalty to be forgiven upon completion of clean-up.
4/05/93	Mapleton, City of	4	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff. 2/28/00 – Letter to City attorney regarding setting for hearing. 3/00 – Dept. reviewing City Engineer's submittal.
9/09/94	American Coals Corp., Site 5 (Bussey)	5	Admin. Order/Penalty	SW/AQ	Tack	Release of closure funds agreed to by bankruptcy trustee. Waiting for court order to release closure funds.
10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report. 3/2/00 – Letter to attorney regarding setting appeal for hearing. 3/23/00 – Response received from attorney regarding appeal. 9/18/00 – Meeting with Titan to discuss compliance, treatment agreement and permit. Company requested to submit BMR and Toxic Organic Management Plan. 10/25/00 – Titan staff met with Dept. to discuss Titan's treatment agreement with the City and other issues.
1/13/95	Simonsen Industries, Inc.	5	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff. Update requested from WW staff. 2/1/00 – Report on compliance requested from FO and WW staff. 2/2/00 – Permit to be issued to facility. 6/29/00 – Status report on permit requested from WW permit staff. 9/00 – Per WW permit staff, company's engineer to submit further information prior to issuance of permit.
3/23/95	American Coals Corp.	5	Admin. Order	SW	Tack	Release of closure funds agreed to by bankruptcy trustee. Waiting for court order to release closure funds.
4/13/95	The Weitz Corp.; Barton Solvents, Inc.	5	Admin. Order	HC	Tack	Remediation plan received 5/27/96. 6/9/00 – Initial remedial measures completed. Final treatment system currently being

						designed.
6/20/95	Toledo, City of	5	Permit Conditions	WW	Hansen	Dept. letter to facility's engineer regarding resolving appeal. 1/3/00 – Revised WLA and permit limits sent to facility. 1/26/00 – Dept. letter to WW engineer regarding construction schedule to meet revised permit limits. 2/28/00 – Follow-up letter to City regarding construction schedule. 3/20/00 – Response from City attorney with agreement to submit construction schedule by 4/20/00. 4/27/00 – Discussion with City attorney regarding City's schedule. 6/14/00 – Letter received from attorney requesting meeting to discuss compliance schedule. 7/28/00 – Letter to City attorney scheduling meeting for 8/3/00. Letter from City attorney regarding scheduling a meeting. 9/25/00 – Meeting attended by FO5, city attorney and city engineer regarding compliance schedule. City to submit revised schedule by 11/15/00 for submittal of flow study and preliminary engineering report. 11/14/00 – Letter from City Engineer with proposed schedule.
6/23/95	Leonard C. Page	4	Admin. Order/Penalty	SW	Tack	Settlement offer pending.
7/03/95	Donald J. Foreman d/b/a D & R Feedlots	3	Admin. Order/Penalty	WW	Hansen	2/1/00 – Report on compliance requested from FO. 2/7/00 – Status report received. Response to FO concerning resolving appeal. 3/28/00 Status report received from F.O.
7/05/95	Boyer Valley Co.	4	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due 6/28/96. Response received from facility 7/96. 3/2/00 – Letter to attorney concerning appeal resolution. 3/17/00 – Letter received from company attorney.
7/10/95	Gilbert Persinger/Smithland Store	3	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. Review progress. Proposed for state lead.
8/01/95	Wilbur McNear d/b/a McNear Oil Co./Charter Oak	4	Admin. Order/Penalty	UT	Wornson	SCR received/rejected. Referral for state lead. Resolve penalty.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Murphy	Negotiating before filing. Attorneys contacted 2/99.
12/12/95	Vernon Kinsinger; K & K Sanitation	6	Admin. Order/Penalty	AQ/SW	Tack	Clean-up progressing. Working with F.O. #6. Receiving penalty payments.
1/12/96	Clarence, City of	6	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from facility attorney stating construction completed. 2/1/00 – Status report on compliance requested from FO 6. 2/2/00 – Dept. to send settlement offer to City. City has returned to compliance. 2/28/00 Settlement offer to City attorney. 3/30/00 – Follow-up letter to attorney. 4/21/00 – Contact by new City attorney. City will consider settlement offer at 5/8/00 City Council meeting and respond by 5/20/00.
1/25/96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	Compliance inspection 9/27/00. Satisfactory compliance achieved. Penalty settlement negotiations commenced.
3/11/96	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Facility inspected by FO. Now in compliance.
5/07/96	Lakeview Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96. Settlement offer received from facility - under review. 2.27.99 0 FO contacted regarding appeal resolution.
5/14/96	Gary Lee Walker	4	Admin. Order/Penalty	AQ/SW	Tack	Settled. Penalty payment expected 12/00. Penalty received 12/21/00. Closed.
5/16/96	Grand Laboratories, Inc.	3	Permit Denial	WW	Hansen	Information received and reviewed by EPD. Settlement offer and revised permit sent to facility 7/97. Response received 8/97. Under review by EPD. Facility to provide further response and settlement offer to DNR by 3/15/98. 3/13/98 Dept. received proposal from facility engineer. 3/20/98 Dept. review of proposal completed. 8/98 – Letter to Grand Labs rejecting their proposal. 9/25/98 letter from Grand Labs regarding settlement. Grand Labs to submit new settlement 3/99. 5/99 Grand Labs submitted settlement proposal; under review by WW and WQ staff. 2/29/00 – Response received from WQ engineer. Staff reviewing for decision.
8/09/96	Gene and Margaret Palmersheim d/b/a G & M Service Mart 8LT593	1	Admin. Order/Penalty	UT	Wornson	Tier 2 received. Negotiating penalty. Placed on State lead.
10/17/96	DeCoster Farms of Iowa (Nursery Unit 3 - Wright Co.)	2	Permit Revocation	AFO	Clark	6/15/00 - Settlement status letter to appellant. 8/4/00 – Appellant response – being reviewed by Dept. staff.

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10/28/96	Fischer Controls International		Permit Conditions	WW	Hansen	Negotiating before filing.
2/19/97	Cliff's Place, Inc.	1	Admin. Order/Penalty	WS	Hansen	Compliance initiated. 3/31/00 – Appeal to be closed. New owner.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
8/05/97	Biovance Technologies	5	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
9/17/97	Keokuk Steel Castings	6	Admin. Order/Penalty	AQ	Brabec	Settled. Awaiting signed consent amendment and penalty payment.
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	Negotiating before filing.
1/23/98	Sac City	3	Admin. Order/Penalty	WW	Hansen	Status report received from city's consultant. 2/1/00 – Status report on WW compliance requested from FO 3. 2/28/00 – Settlement offer sent to attorney. 3/28/00 – City attorney letter received. 3/29/00 – Letter to attorney regarding scheduling settlement meeting and setting case for hearing. 4/17/00 – Dept. meeting with City attorney and officials to discuss settlement. 6/28/00 – Sent to DIA to be set for hearing. 7/25/00 – DIA set hearing for 9/20/00. 9/11/00 – City attorney filed motion for continuance to discuss settlement further. Hearing reschedule for 11/27/00. 11/22/00 – Settled. City to contribute \$2,400 for SEP to Sac Co. Conservation Board and repair biodisc at City's WWTF. Settlement to be placed in administrative consent order. Consent order drafted.
3/16/98	Pathway Christian School	6	Admin. Order/Penalty	WS	Hansen	3/1/00 – Status report requested of FO. 3/2/00 – Status report received. 4/28/00 – Letter to WS concerning resolution of appeal.
4/03/98	Cooperative Oil Company; Mickey Berg	2	Admin. Order	UT/WW	Wornson	Compliance complete. Review and close. Monitoring required Spring 2000.
4/27/98	Weise Corporation	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
7/01/98	Ag Processing, Inc.	4	Permit Conditions	AQ	Preziosi	Negotiations continue.
8/18/98	University of Iowa	6	Permit Conditions	WW	Hansen	Settlement offer sent 10/98. Follow-up letter sent 3/22/99. U of I to submit response to Dept. settlement offer by 5/28/99. Information submitted by U of I. Wastewater staff revised permit in response to information received.
9/29/98	Randy Foth d/b/a Foth Lumber Co.	2	Admin. Order/Penalty	AQ	Brabec	Settled. Partial penalty payment received. Attempts made (telephone and letters) to contact party.
10/03/98	Ag Processing, Inc. (Emmetsburg)	4	Permit Exemption Denial	AQ	Preziosi	Settlement close.
10/06/98	M & W Pallett Co.	6	Admin. Order	SW	Tack	Clean-up near completion as of 6/20/00. Pallets 95% ground. Dept. assisting in identifying markets for mulch.
10/08/98	West Liberty, City of	6	Admin. Order/Penalty	WW	Hansen	Informal procedures requested. 2/1/00 – Status report requested of FO 6. 2/02/00 – Report received from FO. 2/28/00 – Letter to attorney to schedule meeting resolving appeal. 2/28/00 – Status report concerning I/I work received. 3/24/00 – Meeting scheduled for 4/14/00 to discuss resolving appeal. 4/14/00 – Met with City attorney and officials concerning appeal. 7/26/00 – Dept. settlement offer drafted/under review by Dept. staff.
11/19/98	Jacobs Energy Corporation		Permit Denial	AQ	Preziosi	Negotiating before filing.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	12/28/00 – Plan of action was approved 7/00; will monitor progress.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	5/18/00 – Notification of imminent transfer to DIA. 7/5/00 – Appellant's attorney requests additional time for expert consultation.
12/24/98	Keokuk Steel Castings Co., Inc.	6	Admin. Order/Penalty	AQ	Brabec	Combined with 9/97 order. Settled.
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/20/99	Lonnie King	5	Admin. Order/Penalty	AQ/SW	Tack	Clean-up satisfactory. Settlement offer made 8/8/00.

2/05/99	West Union Cooperative Co.	1	Admin. Order/Penalty	WW	Murphy	10/4/00 – Status report received. Settlement proposal will be sent.
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	11/00 – City progressing on facility improvements. Will monitor for progress.
3/08/99	Peter Bockenstedt	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/16/99	Des Moines Independent School District – North High School	5	Site Registry	HC	Tack	Settlement letter sent by solid waste section 12/20/99.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	Hearing continued. Settlement meetings held 9/11, 9/19 and 9/28. Still negotiating.
3/23/99	Matthew M. Daly	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/23/99	Daniel J. Gotto	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
4/15/99	Robert Simon	1	Admin. Order/Penalty	AQ/SW	Tack	Settled. Paying penalty on payment plan.
4/16/99	Cargill (Sioux City)	3	Title V Operation Permit Conditions	AQ	Preziosi	Hearing procedure on hold pending outcome of task force. Settlement meeting held 9/13, 9/21 and 9/27. Settlement close.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
7/19/99	Celotex Corp. (Ft. Dodge)	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/27/99	Affordable Asbestos Removal; Jeffrey Intlekofer	6	Admin. Order/Penalty	AQ	Brabec	Hearing held 4/28/00. Judgment for DNR Appeal filed. Awaiting transcripts and briefing schedule. Initial brief due 9/25/00. Scheduled to go before November EPC meeting. 11/20/00 - EPC affirmed ALJ's proposed decision. Petition for judicial review filed 12/28/00.
8/10/99	Muscatine County Sanitary Landfill	6	Admin. Order/Penalty	SW	Tack	Violations corrected as of 6/20/00. Penalty to be negotiated after closure determination is made in late September. Settled. Penalty payment received. Closed.
8/13/99	Farmland Foods, Inc. (Dubuque)	1	Construction Permit Conditions	AQ	Preziosi	Settlement close.
9/07/99	Shine Bros. Corp.	3	Admin. Order/Penalty	AQ	Brabec	11/00 – Settlement offer made. Awaiting reply from facility.
9/08/99	Linwood Mining & Minerals	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
9/10/99	Linwood Mining & Minerals	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/13/99	Eugene P. Reed	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/13/99	CIPCO	1	NPDES Permit Conditions	WW	Hansen	12/29/99 – Appeal reviewed by wastewater permit writer.
9/21/99	Julie Rowe d/b/a Jewel's Food & Spirits	1	Admin. Order/Penalty	WS	Murphy	12/99 – FO and WS tracking compliance. Letter sent 8/14/00 regarding resolution. Response sent 9/7/00; under review by WS.
9/21/99	Farmland Foods, Inc. (Denison))	1	Construction Permit Conditions	AQ	Preziosi	Settlement close.
10/15/99	Sac County Golf & Country Club	3	Admin. Order/Penalty	WS	Tack	Settlement offer sent 11/28/00.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
11/03/99	Cargill, Incorporated (Cedar Rapids)	1	Permit Conditions	AQ	Preziosi	Hearing procedure delayed pending outcome of task force. Settlement meetings held 9/13, 9/21 and 9/27. Settlement close.
11/10/99	Michael L. Roberts	4	Admin. Order/Penalty	AQ	Tack	Settled. \$750 payment plan. \$75 per month beginning 1/15/01.
11/12/99	Osceola, City of	5	Admin. Order/Penalty	WW	Hansen	1/4/00 – FO 5 letter to City requesting complete plan of action by 5/15/00. 5/31/00 – Status report on plan of action submittal requested by FO. 6/28/00 – Sent to DIA to be set for hearing. 7/25/00 – DIA set hearing for 9/29/00. 8/17/00 – Meeting with city officials and engineer to discuss settlement. 9/20/00 – Joint motion for continuance filed with ALJ to allow parties more time to pursue settlement of penalty and SEP. 10/00 – Hearing continued until 11/28/00. 11/22/00 – Settled. Agreement to be

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						place in administrative consent order.
11/12/99	Logan, City of	4	Admin. Order	WW	Hansen	City requested new schedule because of additional time needed for condemnation proceedings due to change in statute. 2/22/00 – Dept. requested attorney and engineer submit revised schedule if needed in view of delays in condemnation. 2/28/00 – City submitted amended appeal with revised schedule. 10/25/00- New schedule received from City's engineer and approved by Dept. New schedule incorporated into proposed consent order. 12/20/00 – Minor adjustments to schedule by City engineer.
11/12/99	Cargill, Incorporated (Iowa Falls)	2	Title V Operation Permit Conditions	AQ	Preziosi	Hearing procedure delayed pending outcome of task force. Settlement meetings held 9/13, 9/21 and 9/27. Settlement close.
11/15/99	Industrial Energy Applications	1	Permit Denial	AQ	Preziosi	Meeting held 8/28/00. Still negotiating.
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
11/19/99	Climax Molybdenum Co.	6	Permit Denial	AQ	Preziosi	Meeting held 8/28/00. Still negotiating.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/08/99	Cargill, Incorporated (Sioux City)	3	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/10/99	Leonard Rayhons; Randy Schleusner	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/13/99	Omaha Cold Storage Terminals	2	Admin. Order/Penalty	WW	Murphy	Settled. \$1,500 penalty offset by SEP. Closed.
12/17/99	Edward Degeus	2	Admin. Order/Penalty	AQ	Brabec	Settled. Awaiting signed consent amendment and penalty payment.
1/04/00	Aaron Berry	4	Admin. Order/Penalty	AQ/SW	Tack	Settled. \$500 on payment plan. \$100 per month beginning 1/15/01.
1/06/00	Wendall Abkes	2	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer renewed 11/28/00.
1/11/00	Farmland Industries	2	Permit Denial	AQ	Preziosi	Negotiating before filing.
1/20/00	New Virginia Sanitary Sewer District	5	Admin. Order	WW	Murphy	12/08/00 – Letter sent. Facility upgrade is proceeding; will monitor progress.
1/25/00	Tire Environmental Services, Inc.	1	Permit Conditions	SW	Tack	Clean-up nearing completion. Revised proposal to be issued by 1/15/01.
2/07/00	Benefit Water District #2	5	Admin. Order/Penalty	WS	Murphy	Negotiating before filing.
2/11/00	Steven Reimers	3	Admin. Order/Penalty	AQ/SW	Brabec	Settled. Penalty plan established. Payments are on schedule.
2/22/00	MINSA Corporation	4	Admin. Order/Penalty	WW	Murphy	11/30/00 – Letter sent.
2/25/00	Meadow Knolls Addition	1	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
2/28/00	Bee Rite Tire Disposal Inc.; Jerry Yeomans	5	Admin. Order/Penalty	SW	Tack	Hearing continued to 1/29/01.
3/02/00	Dennis Severson d/b/a Huxley Dry Cleaners	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
3/21/00	Bruening Rock Products, Inc.	1	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
4/05/00	Minnesota Rubber	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/11/00	Hawkeye Leisure Trailers	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wornson	Tier 2 report submitted 11/28/00. Review.
4/21/00	LT Tap	1	Admin. Order/Penalty	WS	Clark	Negotiating before filing.

4/24/00	Tama Paperboard	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	City to file appeal of final NPDES permit. Prior notice of appeal was in response to draft permit. 10/4/00 – Informal meeting scheduled with city officials to discuss permit issues. Dept. staff discussing how to proceed.
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order/Penalty	SW/HC	Tack	District court ordered clean-up underway.
5/04/00	Iowa State University Heating Plant	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/10/00	3M Company	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/11/00	John Deere Waterloo Works – DSS	1	Admin. Order/Penalty	AQ	Brabec	Settled. Penalty portion of AO rescinded. Closed.
5/12/00	Martin Marietta Materials, Inc.	1	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/12/00	Iowa Air National Guard – 185 th Fighter Wing	3	Admin. Order/Penalty	AQ	Brabec	Negotiations continue. Waiting to hear from facility.
6/06/00	Alliant Energy	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6/08/00	Leo Pieper	4	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
6/08/00	Ajinomoto	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6/09/00	Alta Vista Property Owners Assoc.	5	Admin. Order/Penalty	WS	Clark	11/21/00 – Dept. accepts penalty settlement offered by facility; payment due 12/27/00.
6/14/00	Bettendorf, City of	6	Admin. Order/Penalty	WW	Hansen	11/3/00 – Settled. Consent order drafted for signature by parties. 12/00 – Order signed and issued.
6/14/00	Quality Mat Co., Inc.	1	Admin. Order/Penalty	AQ	Brabec	Hearing continued until 3/5/01.
6/28/00	Speltz Elevator, Inc.	2	Admin. Order/Penalty	WW	Murphy	Hearing set for 2/13/01.
6/30/00	Featherlite, Inc.	1	Admin. Order/Penalty	AQ	Brabec	Settled. Awaiting signed consent amendment and penalty payment.
7/10/00	Boondocks Truck Haven Café	5	Admin. Order/Penalty	WS	Hansen	Compliance initiated by facility. 9/00 – per attorney for café, disinfection system installed. 10/2/00 – FO 2 report as-built needs to be submitted for chlorination system and bacteria sampling plan needs to be updated. WS has begun submitting monthly reports. New WS permit to be issued.
7/10/00	Lincoln, City of	5	Admin. Order	WW	Hansen	10/5/00 – FO 5 to set up meeting with City to discuss resolving appeal. 11/21/00 – FO 5 requests that case be sent to DIA to be set for hearing.
7/12/00	Malvern, City of	4	Admin. Order/Penalty	WW	Hansen	Informal settlement meeting set for 10/12/00 at FO 4 to discuss schedule, penalty and SEPs. Dept to submit settlement offer to City. Hearing reset for 12/20/00. 12/18/00 – Settled. Consent order sent to City for Mayor's signature.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
7/31/00	Shell Rock Products, Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/02/00	Wacker Biochem Corp.	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
8/11/00	Southeast Iowa CCI (Southland Pork L.C.)	6	Permit Issuance	AFO	Wornson	Hearing held 11/17/00.
8/11/00	Loyal and Marilyn Rue; James and Elizabeth Fritz; De. Stephen McCargar; William and Jo Iverson; Dennis Pottratz; Cynthia Kay; Elyse Cohrs; Deanna Kloster; and Frank Holland (Wal-Mart)	1	Permit Issuance	FP	Clark	12/12/00 – Proposed decision.
8/11/00	Twin Anchors RV Resort	5	Admin. Order/Penalty	WW	Tack	Negotiating before filing.

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8/11/00	Kiefer Built	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/24/00	Riley Industrial painting	6	Admin. Order/Penalty	AQ	Brabec	Settled. Consent amendment signed. Penalty payment received. Closed.
9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/07/00	Iowa City, City of	6	Consent Order	WW	Murphy	11/14/00 – Letter sent.
9/11/00	Q.C. Metallurgical Laboratory, Inc.	6	License Suspension		Wornson	Settlement reached. Monitor compliance.
9/22/00	EnviroBest, Inc.	2	Admin. Order/Penalty	AQ	Brabec	Settled. Signed consent amendment and penalty payment received. Closed..
9/27/00	Leroy Dammann; Richard Schmidt d/b/a R & C Enterprises; Manning Betterment Foundation	6	Admin. Order/Penalty	AQ/SW	Brabec	Settled. Signed consent amendment and penalty payment received. Closed.
9/27/00	Brecht Enterprises, Inc.	6	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
9/27/00	Farmers Cooperative Society (Titonka)	2	Admin. Order Penalty	AQ	Preziosi	Negotiating before filing.
9/28/00	Kinderland, Inc.	1	Admin. Order/Penalty	WS	Hansen	To be sent to DIA to be set for hearing.
9/29/00	Charles City, City of	2	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
9/29/00	Curries Company	2	Admin. Order/Penalty	AQ	Brabec	Settled. Awaiting signed consent amendment and penalty payment.
10/02/00	Sutliff Store and Tavern	1	Admin. Order	WS	Murphy	12/28/00 – Settlement close. Amended AO to be issued.
10/02/00	Agriprocessors, Inc.	1	Variance Denial		Murphy	12/28/00 – Hearing continued.
10/03/00	Casey's General Store (Waukee)	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
10/03/00	All-States Quality Foods	2	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
10/03/00	Friesen of Iowa, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/04/00	Krajicek, Inc. d/b/a Krajicek Bros.; Sara and Leonard Krajicek	4	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/05/00	Sylvan Acres	1	Admin. Order	WS	Hansen	10/30/00 – Call received from representative of WS concerning installation of required chlorination equipment on two wells at WS until their connection to rural water. Specifics of WS's return to compliance under discussion between WS representatives, FO 1 and Dept. WS section.
10/05/00	J.W. Ready Mix & Construction	3	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/06/00	Dodgen Industries, Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/06/00	Duane Crees	6	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer made 11/14/00.
10/12/00	CMT Enterprises	4	Admin. Order/Penalty	AQ	Brabec	Settled. Awaiting signed consent amendment and penalty payment.
10/13/00	Salem Lutheran Church	3	Admin. Order/Penalty	WS	Clark	12/05/00 – Settled. Closed.
10/20/00	AGP, Ag Processing	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/13/00	L & L Book Properties, L.C.	3	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
11/17/00	Swisher American Legion - #671	6	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
11/17/00	Holian Asbestos Removal and	2	Admin. Order/Penalty	AQ	Brabec	Settled. Awaiting signed consent amendment and penalty

	Encapsulation					payment.
11/17/00	McDonald Construction	2	Admin. Order/Penalty	WW	Tack	Negotiating before filing.
11/17/00	James Nizzi d/b/a Alice's Spaghettiland	5	Admin. Order/Penalty	WS	Hansen	Settlement conference rescheduled for 1/3/01.
11/20/00	Primghar Advancement Corp.; Primghar Fire Dept.; City of Primghar	3	Admin. Order/Penalty	AQ	Brabec	Negotiating before filing.
11/20/00	Randy Golden d/b/a R. Excavating	4	Admin. Order/Penalty	WW	Tack	Negotiating before filing.
11/21/00	Knox Corporation	6	Admin. Order/Penalty	UT	Wornson	Partial compliance. Negotiate penalty.
11/22/00	Fansteel-Wellman Dynamics	4	Permit Conditions	SW	Tack	Negotiating before filing.
11/27/00	Monti-View Mobile Home Park	1	Admin. Order/Penalty	WS	Murphy	Settled. Penalty received 12/28/00. Closed.
11/28/00	AGP Ag Processing (Emmetsburg)	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	New case.
12/05/00	Braddyville, City of	6	Admin. Order/Penalty	WW	Hansen	New case.
12/06/00	Chris Evans	1	Lab. Cert. Revocation	WW	Wornson	New case.
12/11/00	Westbrooke Construction Co.	5	Admin. Order/Penalty	WW	Murphy	New case.
12/12/00	Keokuk Landfill, Inc. and Keokuk Contractors, Inc.	6	Admin. Order	SW	Tack	New case.
12/12/00	University of Northern Iowa	1	Permit Modification Denial	AQ	Preziosi	New case.
12/21/00	Agvantage FS, Inc.	1	Admin. Order/Penalty	WS	Murphy	New case. Facility has requested to be reclassified as non-public.

During the period December 1, 2000, through December 30, 2000, 1 report of wastewater by-passes was received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October	5(0)	1.4(0)	1.4(0)	4(0)	0(0)
November	1(0)	10	0.001	1(0)	0(0)
December	1(0)	1	.015	1	0(0)
January					
February					
March					
April					
May					
June					
July					
August					
September					

(numbers in parentheses for same period last year)

Note: data not previously collected,
thus no data for the previous year

Mike Valde said that the rules review committee voted to object a rule that the Department adopted as an emergency rule in December for extension of the deadline for reviewing manure management plans. As a result the rule ceases to be effective 180 days after the objection was filed. Therefore the Department has to go through the normal rule making process to adopt that rule. The department will be bringing the notice of intended action to the Commission next month as an action item rather than just an information item.

Brief discussion followed.

Mike Valde reviewed the monthly reports and said there was a significant decrease from a year ago in the hazardous condition report.

Mike Murphy handed out an annual summary of the enforcement action report.

Brief Discussion followed.

INFORMATIONAL ONLY

STATE REVOLVING FUND – 2001 INTENDED USE PLAN

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

A draft 2001 Intended Use Plan (IUP) for the clean water state revolving loan fund (CWSRF) will be presented to the Commission. The draft IUP includes the list of projects proposed to receive loan assistance from the CWSRF for fiscal year 2001. All applications for loans received to date have been included on the proposed list for assistance. Preparation of the IUP is the initial step in preparing a grant request for federal funds for the CWSRF.

A public meeting will be scheduled to allow opportunity for public input on the proposed IUP as required by federal regulation. Following the hearing, a final IUP will be presented to the commission for approval.

(A copy of the Intended Use Plan is available in the Departments Record Center.)

Mike Valde distributed a copy of the Intended Use Plan to the commissioners and reviewed the procedure the Department would follow for implementing the plan.

INFORMATION ONLY

PROPOSED RULE – CHAPTER 60 – SCOPE OF TITLE-DEFINITIONS-FORMS-RULES OF PRACTICE, CHAPTER 64 – WASTEWATER CONSTRUCTION OPERATION PERMITS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be presented with a draft Notice of Intended Action (NOIA) that would initiate rulemaking to adopt a new NPDES General Permit. The General Permit would authorize wastewater discharges, excluding separate storm water discharges, from quarrying and sand and gravel extraction/processing facilities. A general permit would benefit potential permittees by reducing the amount of information required in a permit application, eliminating the public notice requirement, and reducing the time needed to obtain a permit. The department benefits from issuance of a general permit because of the reduced staff time needed to process the permit application.

The Commission is authorized by Iowa Code Section 455B.173.12 to adopt general permits by rule, after notice and opportunity for a public hearing. A general permit is appropriate for operations that are similar in nature as to the pollutants involved and the treatment needed. Wastewater discharges from mining operations contain similar types and amounts of pollutants, require similar types of treatment, and can best be regulated through issuance of a general permit. The department estimates there are 150 to 200 individual operations throughout the state that could qualify for this general permit.

(A copy of the draft Notice of Intended Action is on file in the Departments Record Center)

Mike Valde briefed the Commission on the proposed rule. He said it was an information item this month and would be brought back to the Commission next month as a notice of intended action.

Brief discussion followed regarding the reason for the changes.

INFORMATION ONLY

CHANGES TO CHAPTER 65 RULES, ANIMAL FEEDING OPERATIONS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The department is proposing changes to Chapter 65 rules dealing with animal feeding operations. The first change is designed to make our manure applicator certification program work like the pesticide applicator program. Currently our applicator certificates expire at different times throughout the year. This results in confusion to the applicators, the staff, and causes training schedule problems with ISU. The changes will cause all manure applicator certificates to expire on Dec. 31 and will allow a 60-day grace period to obtain training. The training would have to be obtained by March 1. This allows ISU to provide training during the winter when farmers have the time to attend courses. Additionally, all certificates will expire on the same date making enforcement issues easier for our field staff. During the transition year, we will charge a \$25 dollar fee for applicators whose licenses expire between Jan. 1 and June 30 and no fee for those applicators whose licenses expire between July 1 and Dec. 31. This proposal also defines "family farm member" to comply with H.F. 2393 which passed the legislature last year.

The second rule proposal changes the definition of freeboard and allows for the gravity unloading of above ground manure storage tanks. The proposal requires redundant valves on all openings into the tank that are below the freeboard level, barricades to protect any opening that extends beyond the wall of the tank, and an emergency response plan available on site.

These proposals have both been reviewed by the Animal Agriculture Consulting Organization.

ENVIRONMENTAL PROTECTION COMMISSION [567] Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.200, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 65, "Animal Feeding Operations," Iowa Administrative Code.

The proposed amendments add several provisions pertaining to certification and related fees for manure applicators, including implementation of statutory provisions which exempt certain family members from payment of the confinement site manure applicator certification fee. The proposal would also convert differential expiration dates for manure applicator certificates to a uniform date and make editorial corrections.

Proposed amendments also change the definition of freeboard to allow for the gravity unloading of above ground manure storage tanks provided the tank is equipped with redundant valves and barricades, and an emergency response plan is available on site.

These proposals have been reviewed by the Animal Agriculture Consulting Organization.

Any interested person may make written suggestions or comments on the proposed amendments on or before _____, 2001. Written comments should be directed to Karen Grimes, Iowa Department of Natural Resources, Wallace State Office Building, 502 E. 9th St., Des Moines, Iowa 50319-0034; fax (515) 281-6794.

Also, there will be a public hearing on _____, 2001, at ____ p.m. in the _____ Floor Conference Room of the Wallace State Office Building at which time persons may present their views either orally or in writing. At the hearing people will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rule.

Any persons who intend to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement 1999 Iowa Code Supplement section 455B.203A as amended by 2000 Iowa Acts, House File 2393.

The following amendments are proposed.

ITEM 1. Amend rule 567--65.1(455B) by amending the definition of "freeboard" and inserting the following new definition in alphabetical order:

"Family farm member" means a person who participates in the same agricultural operation with a spouse, parent, grandparent, child, grandchild or sibling.

"Freeboard" means the difference in elevation between the liquid level and the top of the lowest point of animal feeding operation structure's berm or the lowest external outlet from a formed manure storage structure. However, for a formed manure storage structure meeting the requirements of 65.15(20), "freeboard" means the difference in elevation between the liquid level and the structures overflow level.

ITEM 2. Amend rule 567--65.15 by adding the following new subrule:

65.15(2) Above ground formed manure storage structures with external outlet or inlet below the liquid level. A formed manure storage structure which is constructed to allow the storage of manure wholly or partially above ground and which has an external outlet or inlet below shall have all of the following:

1. Two or more shutoff valves on any external outlet or inlet below the liquid level. At least one shutoff valve shall be located inside the structure and be operable if the external valve becomes inoperable or broken off.
2. All external outlets or inlets below the liquid level shall be barricaded, encased in concrete, or otherwise protected to minimize accidental destruction.
3. Construction shall be in compliance with the manufacturer's requirements and conducted by qualified contractors.
4. An emergency response plan for retaining manure at the site and cleanup if the manure storage structure fails or there is any other type of accidental discharge. The plan shall consist of phone numbers to comply with 65.2(9) and list of contractors, equipment, equipment technical support, and alternative manure storage or land application sites which can be used during inclement weather.

ITEM 3. Amend rule 567--65.19(455B) by adopting the following new subrule 65.19(2) and renumbering subrules 65.19(2) through 65.19(10) as 65.19(3) through 65.19(11):

65.19(2) Certification fees.

a. Commercial manure applicator. The fee for a new or renewed certification is \$50. However, for the 2002 certification year only, the fee is \$25 for a commercial manure applicator whose expiration or renewal date is between or includes January 1 and June 30.

b. Confinement site manure applicator. The fee for a new or renewed certification is \$50. However, the fee is not required if all the following apply:

1. The person is a family farm member as defined in this chapter and indicates that by submitting a completed form provided by the department;
2. The person is certified as a confinement site manure applicator within one year of the date another family farm member was certified or renewed their certification as a confinement site manure applicator;
3. The other family farm member certified as a confinement site manure applicator has paid the certification fee.

c. Late fee. Renewal applications received after March 1 are required to pay an additional \$12.50 before the certification is renewed. An application is considered to be received on the date it is postmarked.

d. Duplicate certificate. The fee for a duplicate certificate is \$15.

ITEM 4. Rescind subrule 65.19(3) and insert the following new subrule in lieu thereof:
65.19(3). Certification term, renewal and grace period.

a. Certification term. Certification for a commercial manure applicator shall be for a period of one year and shall expire on December 31 of each year. Certification for a confinement site manure applicator shall be for a period of three years and shall expire on December 31 of the third year. After June 30, 2001, the expiration dates of all certifications that currently expire on a date other than December 31 are automatically extended to December 31 of the year the certification expires.

b. Renewal. Application for renewal of a certification must be received by the department or postmarked no later than March 1 after the year the certification expires. Application shall be on forms provided by the department and shall include:

(1) Certification renewal fee.

(2) A passing grade on the certification examination or proof of attending the required hours of continuing instructional courses.

c. Grace period. Except as provided in this paragraph, a commercial manure applicator or a confinement site manure applicator may not continue to apply manure after expiration of a certificate. A commercial manure applicator or a confinement site manure applicator may continue to apply manure until March 1 following the year the certification expires, provided a complete renewal application, as provided in paragraph b, is postmarked or received by the department prior to March 1.

ITEM 5. Amend subrule 65.19(5) by rescinding paragraphs "c" and "d."

ITEM 6. Amend subrule 65.19(6), paragraph "b," subparagraph (1) as follows:

(1) A part-time employee or family member of a confinement site manure applicator and is acting under direct instruction and control of a certified confinement site manure applicator who is physically present at the manure application site by being in sight or hearing distance of the supervised person where the certified confinement site manure applicator can physically observe and communicate with the supervised person at all times.

ITEM 7. Amend Chapter 65, Appendix B, Tables 3 and 5, column 1 under "Swine" heading, by altering "Dry feed" and "Wet/dry feed" to read "Dry feeders" and "Wet/dry feeders".

Date

Lyle W. Asell, Interim Director

(N:65n.doc/mg)

Although not in rule form, the following list includes changes in wording that the DNR proposes to correct technical errors discovered in Chapter 567 IAC 65 rules relating to Animal Feeding Operations. These changes were reviewed and discussed at a meeting of the Animal Agricultural Consulting Organization. When this comes back to the commission for approval of NOIA, these corrections will be in rule form.

The following changes should be made:

Location in 567 IAC 65	Current Designation	Should be
For 2 nd sentence in 65.2(3)	omit "(anaerobic lagoons, earthen manure storage basins, or earthen waste slurry storage basins)" omit 4 th word "earthen"	add "unformed" before "earthen manure storage structure"
65.15(13)"a"(2)	omit " " between the words "anaerobic lagoon"	
For lagoons in 65.15(13)"d"	design volume	stabilization volume
For 2 nd sentence in 65.15(13)"e"(1)	design volume	stabilization volume
last sentence in 65.15(13)"e"(2)	ammonia (NH ₄ -N)	total ammonia (NH ₃ + NH ₄)
1 st paragraph, second sentence of Appendix A	subrules 65.3(1) or 65.3(2)	rule 65.4
p. 33 in Appendix A; under "System"	pp. 2-3	pp. 33-38
	pp. 4-5	pp. 35-37
	pp. 6-7	pp. 37-39
	pp. 8-9	pp. 39-41
	pp. 10-11	pp. 41-43
	pp. 12-13	pp. 44-45
p. 34 in Appendix A; under Detailed System Requirements: 2A	paved	unpaved
In Appendix B, Table 1, Major water sources, under Calhoun County:	Camp Creek Mouth to N. line S25, T87N, R34W	Lake Creek Mouth to N. line S25, T87N, R34W
	Lake Creek Mouth to W. line S25,T87N,R34W	Camp Creek Mouth to W. line S25,T88N,R34W
In Appendix B, Table 2, Lakes:		add: -Mystic Reservoir in Appanoose County -Cone Lake and Wiese Slough in Muscatine County -Brushy Creek Lake in Webster County

Mike Valde said this item had been taken to the ACCO committee and would be brought back to the Commission next month as a notice of intended action. Mr. Valde reviewed the changes that would take place with this proposed rule. He said the Department would also be bringing a notice of intended action for the extension of the deadline for the review of manure management plans. This will be brought as an action item due to the review committee's objection to the emergency rule.

INFORMATION ONLY

PROPOSED RULE – INCORPORATE EXISTING PERIODIC MONITORING GUIDANCE AND ADOPTION BY REFERENCE FOR COMPLIANCE ASSURANCE MONITORING

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached draft Notice of Intended Action to amend Chapter 22, “Controlling Pollution” 567 Iowa Administrative Code.

The purpose of this rulemaking is to incorporate the existing Periodic Monitoring Guidance into rule. Also, to adopt by reference the Compliance Assurance Monitoring (CAM) that is required to be included in Part 70 or 71 operating permits.

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 22, “Controlling Pollution” 567 Iowa Administrative Code.

Item 1 incorporates the departments existing Title V periodic monitoring guidance into rule.

Item 2 adopts by reference 40 CFR Part 64 Compliance Assurance Monitoring (CAM).

Any person may make written suggestions or comments on the proposed rules on or before _____. Written comments should be directed to Corey McCoid, Iowa Department of Natural Resources, Air Quality Bureau, 7900 Hickman Road, Suite 1, Urbandale, IA 50322, FAX (515) 242-5094, or by electronic mail to corey.mccoid@dnr.state.ia.us.

An informational meeting will be held at 1:00 p.m. in conference rooms 2-4 on January 25, 2001 at DNR’s Air Quality Bureau offices located at 7900 Hickman Road, Urbandale, Iowa. At the informational meeting, DNR staff will be available to answer questions on any of the proposed rule revisions.

A public hearing will be held on _____ at 1:00 p.m. in conference rooms 2-4 at DNR’s Air Quality Bureau office located at 7900 Hickman Road, Urbandale, Iowa at which time comments may be submitted orally or in writing. All comments must be received no later than _____.

Any persons who intend to attend a public hearing and have special requirements such as hearing or mobility impairments should contact Corey McCoid at (515) 281-6061 to advise of any specific needs.

These amendments are intended to implement Iowa Code section 455B.133.

The following amendments are proposed.

Item 1. Amend paragraph 22.108(3)"b" as follows:

b. Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of record keeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source’s compliance with the permit, as reported pursuant to subrule 22.108(5). Such monitoring ~~requirements shall be that specified in the “Periodic Monitoring Guidance”~~¹ dated April 14, 1997, and revised June 11, 1997, or as approved by the Department ~~ensure~~

¹ Available from department

~~use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Record keeping provisions may be sufficient to meet the requirements of this rule; and~~

Item 2. Amend paragraph 22.108(3)"c," and add paragraph "d" as follows:

c. As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods; and

d. As required, Compliance Assurance Monitoring (CAM) consistent with 40 CFR Part 64 (as amended through October 22, 1997).

(A copy of the Periodic Monitoring Guidance document is on file in the Department's Record Center)

Mike Valde said these two items would be brought to the Commission as a decision item next month. Mike Valde said the Periodic Monitoring Guidelines have been implemented as a policy but are now being made into a rule. He said EPA adopted the Compliance Assurance Monitoring as a rule a few years ago, which requires state programs to adopt rules consistent with EPA's.

INFORMATION ONLY

REINSTATING A SMOKING TAILPIPE PROGRAM FOR IOWA

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Sheri Walz from the Air Quality Bureau will describe a new Smoking Tailpipe Program for Iowa. Ms. Walz is an Air Quality Specialist for the Bureau and is responsible for the mobile source emission inventory, regional modeling, and planning assistance.

The Environmental Protection Agency (EPA) estimates that 56% of all cancer-causing air pollution in Iowa is caused by mobile sources such as on-road and off-road vehicles. EPA also estimates that mobile sources are a major contributor to the Criteria Pollutants that EPA uses to determine if a state is in attainment with national air quality standards.

Iowa is in attainment for the Criteria pollutants under current EPA guidelines. Emissions from point sources of air pollution have declined 70% in the last 3 decades. Meanwhile, Iowans are buying vehicles that are less fuel-efficient, and are driving more. Annual vehicle miles of travel in Iowa is expected to increase from 27 billion miles in 1995 to more than 41 billion miles by 2020, an increase of 52%.

A combination of proposed tougher standards and increasing emissions from mobile sources could bring Iowa into nonattainment for ozone, resulting in mandatory federal programs for all sources. One such program would be an Inspection and Maintenance Program (I/M) for on-road vehicles. Budget estimates for I/M start-up costs are 3 million dollars a year.

AQB has in the past administered a voluntary program to control visible emissions from mobile sources, a "Smoking Tailpipe Program". In spring of 2001, the AQB will reintroduce this program to increase public awareness of the air quality impact from mobile sources and to reduce emissions from mobile sources. The program would serve dually as a public service and as an emissions reduction tool. Not only does a smoking vehicle pollute the air, it costs the owner extra money through reduced engine life, higher maintenance costs, and reduced fuel efficiency.

Smoking vehicles cause a disproportionate amount of air pollution. Vehicle owners often do not know they have a problem, or they may not think anyone else notices. Smoking Vehicle programs serve as a friendly, non-threatening way to encourage people to have their vehicles repaired. Increased public awareness will also create a bridge for understanding the importance of other programs.

Background

The Environmental Protection Agency (EPA) estimates that 56% of all cancer-causing air pollution in Iowa is caused by mobile sources such as on-road vehicles, planes, trains, and off-road equipment.² EPA also estimates that mobile sources are a major contributor to the Criteria Pollutants that EPA uses to determine if a state is in attainment with national air quality standards.³

Current Situation

Iowa is in attainment for the Criteria pollutants under current EPA guidelines. Iowa industry is continuing to work with the Air Quality Bureau (AQB) to reduce emissions and prevent deterioration of air quality. Emissions from point sources of air pollution have declined 70% in the last 3 decades. Meanwhile, Iowans are buying vehicles that are less fuel-efficient, and are

² Environmental Defense Fund. 1999. *Scorecard*. Available: <http://www.scorecard.org/-sources>

³ Environmental Defense Fund. 1999.

driving more. Annual vehicle miles of travel in Iowa is expected to increase from 27 billion miles in 1995 to more than 41 billion miles by 2020, an increase of 52%.⁴ Other mobile sources of air pollution are also increasing activity, such as airport and construction equipment.

The combination of proposed tougher standards and increasing emissions from mobile sources could bring Iowa into nonattainment for ozone, resulting in the implementation of stringent mandatory federal programs for all sources. One such program would be an Inspection and Maintenance Program (I/M) for on-road vehicles. Budget estimates for I/M put together by the AQB staff estimated start-up costs at 3 million dollars a year.

Proposed Solution

At this time, Iowa is in attainment for ozone and mobile source programs are voluntary. It is a good time to start preventive maintenance on our vehicles and our air quality. To begin the dialogue with Iowans on how we all can best reduce pollution from mobile sources, it is necessary to raise public awareness of the problem.

AQB has in the past administered a voluntary program to control visible emissions from mobile sources, a "Smoking Tailpipe Program" (see attached appendix A. 567 IAC 23.3(2)"d"). In spring of 2001, the AQB will reintroduce this program to increase public awareness of the air quality impact from mobile sources and to reduce emissions from mobile sources. The program would serve dually as a public service and as an emissions reduction tool. Not only does a smoking vehicle pollute the air, it costs the owner extra money through reduced engine life, higher maintenance costs, and reduced fuel efficiency.

Impacts

Other voluntary programs in states like California have experienced between 40% and 50% rates of compliance, and Iowa's past program compliance rate was well over 50%. Studies estimate that 10% of poorly maintained vehicles contribute almost half of all mobile-source air pollution; a successful Smoking Vehicle Program could yield significant emissions reductions for Iowa.⁵ The value of increased public awareness is more difficult to quantify, but surveys could gauge program success in this area.

Program Details

The program can start out simple and become more complex as funding and citizen awareness increases.

To run the Smoking Vehicle program the AQB will have access to vehicle registration records, a toll-free hotline, a web page, and a database to track the program. The AQB has access to Department of Transportation Vehicle Registration records online. The hotline will be established for \$0.07 per minute and no additional line fee. A Smoking Vehicle web page will be linked to the existing AQB page. All aspects of the program will be tracked on an internal database to evaluate program impacts.

⁴ Iowa Dept. of Transportation. 1997. *Iowa in Motion*. Available: <http://www.state.ia.us/government/dot>

⁵ Available: <http://www.cato.org/pubs/pas/pa-249.html>

Several states have already developed outreach materials Iowa can modify, and the Information and Education Department can develop new outreach materials. Existing materials include radio, television and printed matter. The AQB has started developing the following materials (see attached appendices B-E): Smoking Vehicle Program Voluntary Response Card; Notification of Observed Excess Emissions; Sample press release; web page.

Outreach Options

The AQB would like to collaborate with other state agencies such as the Department of Transportation and the Department of Energy, as issues regarding mobile sources are a natural fit among the three agencies. The AQB would like to work with EPA for funding assistance, and to take advantage of previously developed outreach programs. We would also like to partner with private and nonprofit groups who can increase support at a grassroots level; for example, auto-repair shops could provide discount tune-ups as program promotions.

For an initial program, outdoor advertising could target large cities like the Quad Cities, Cedar Rapids, Des Moines, and Council Bluffs. Other forms of outreach and advertising should reach most of Iowans. It is also important to pay extra attention to eastern Iowa, since it is closest to ozone non-attainment.

Budget

One staff person will devote approximately 10% of their time to the project. Additional funds to be reallocated within the existing budget are being examined. The AQB will also apply for an EPA Mobile Sources Outreach grant.

Summary

Smoking vehicles cause a disproportionate amount of air pollution. Vehicle owners often do not know they have a problem, or they may not think anyone else notices. Smoking Vehicle programs serve as a friendly, non-threatening way to encourage people to have their vehicles repaired. Increased public awareness will also create a bridge for understanding the importance of other programs.

(A copy of the promotional material and a hard copy of the slide presentation for the smoking tailpipe program is available in the Department's record center.)

Mike Valde said this would be an educational program to raise awareness of the pollution caused by cars. He said Sheri Walz would give a brief presentation on the program.

Sheri Walz, Air Quality Specialist, Air Quality Bureau said the Department will be reinstating a voluntary Smoking Tailpipe Program. She handed out a hard copy of a slide presentation and reviewed the main points with the Commission. She said the reason the previous voluntary program had been discontinued was due to lack of staff and funding. She also mentioned that there had been some confusion regarding a mandatory safety check program that the State had also discontinued. She said the Department has no plans at this time to reinstate the safety check program because of the large startup costs.

Brief discussion followed.

INFORMATION ONLY

GENERAL DISCUSSION

Rozanne King asked if there are any 319 moneys going to help with lagoon construction.

Lyle Asell said through a contract with Iowa Department of Agriculture and Land Stewardship there are 319 funds that are passed through the local Soil and Water Conservation District to implement individual practices on the land. Generally speaking those funds are restricted to less than a thousand animal operating units to target the "family farm". He said from a federal standpoint, the EQIP, Environmental Quality Incentives Program, by law has to devote 50% of those funds to animal agriculture.

Rozanne King asked if Mr. Asell could see the Department using 319 money to help someone defray cost of construction of a lagoon.

Lyle Asell said, although EPA is trying to change this, 319 Funding has been listed as demonstration for a long time. He said one of the concerns the Department has is that for the larger producer with an open feed lot, at this point and time there is virtually no access to financial assistance in addressing the pollution control measures on those feedlots. The Department is currently working with the Cattlemen's Association to find the best way to address that.

James Braun said in reference to ICCI's petition for rulemaking, he has been raising hogs in confinement for over 30 years and the first experience he had with emissions was approximately 25 years ago when he was pumping a pit out of a gestation building and while the tanker was filling he went into the building and found several dead sows. Later he had a foreman who developed a sensitivity to the emissions and was advised by his doctor stay away from it or risk the possibility of death. He said since that time he has learned a great deal about the emissions. He said Dr. Kendall Thu, Assistant Professor of Social and Cultural Anthropology at Northern Illinois University, has worked extensively on this issue and he would like to have him come to talk to the Commission about his findings.

Lyle Asell said the Department proposed developing a strategy and protocols for air quality monitoring in conjunction with confined animal feeding operations. The Department's approach is to try to get authority from the Iowa Legislature to proceed in that direction and use the information gathered from that process to put together a monitoring program for air quality issues concerning confined feeding.

Discussion followed regarding the petition for rulemaking received from ICCI.

NEXT MEETING DATES

February 19, 2001

ADJOURNMENT

<i>Motion was made by Rozanne King to adjourn. Seconded by Kathryn Murphy. Motion carried unanimously.</i>
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With no further business to come before the Environmental Protection Commission, Chairman Townsend adjourned the meeting at 3:05 p.m., Monday, January 16, 2001.

Lyle W. Asell, Interim Director

Terrance Townsend, Chair

Rita Venner, Secretary